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BOOKS IN REVIEW: *Charles Murray, Diana Schaub, William A. Galston, Michael Barone, Diana West, Robert L. Formaini*

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Is America an experiment?

WILFRED M. MCCLAY

SOME of the most valuable work in the field of American history these days is being done by the men and women who restore and preserve historical sites. Though such work is often disdained as antiquarian or subscholarly by academic historians, it in fact serves an immensely important public purpose. It helps us to remember our origins and, thereby, to remember who we are. Whenever one visits a reconstructed colonial American setting—and here I am thinking not only of a relatively elegant town like Williamsburg but also of somewhat more spare or rugged places such as Jamestown or Old Sturbridge Village or Plimouth Plantation or St. Mary's City—one is forcibly reminded of the tentativeness, the contingency, the fragility, the sheer *chanciness* of the entire American undertaking.

This article is based on the keynote address presented at the 1998 Western Civilization Summit sponsored by the Intercollegiate Studies Institute.

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That impression follows one even into the more famous venues. Go to Independence Hall in Philadelphia, Faneuil Hall or the Old North Church in Boston, the Old Senate Chamber at the State House in Annapolis. All are lovely, well-kept sites. Yet one is struck not by their grandeur but their tininess, their almost self-effacing modesty. Even the most jaded among us may feel compelled to pause for a moment and ponder the astounding fact that a nation so colossal could have grown from seeds so small. When one thinks about the chaotic and tumultuous social history of Jamestown and early Virginia, or when one contemplates the half-mad audacity of the New England Puritans, who were convinced that their lonely adventure huddled together in a remote and frigid wilderness was a divinely appointed mission of world-historical importance, one does not sense historical inevitability or destiny. Far from it. The longer and more deeply one studies the American past, the easier it is to imagine that matters could have turned out differently.

Yet it would be a mistake to see the American enterprise—and it would be a long time before it had sufficient coherence to be called anything like an enterprise—as a quirky, *sui generis* thing, independent of the great movements of Western history. Lewis Mumford once rightly observed that "the settlement of America had its origins in the unsettlement of Europe," an insight that neatly compresses a great deal of history into a single phrase. Nevertheless, there has always been a strong tendency, perhaps never stronger than in the present day, to detach our discussions of the American past from discussions of what we call Western civilization, thereby neglecting the specifically American slant upon, and contribution to, that larger subject. It is almost as if we presume that the relationship between the great traditions of European thought and the realities of modern American life is so clear-cut—or so hopelessly severed—as to need no comment.

Palefaces and redskins

Here I speak from some experience, though one could hardly call it typical. I did my own undergraduate work at St. John's College in Annapolis, a wonderful institution dedicated to the ideal of education as a sustained engagement with the Great

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Books of the Western World. We read, with varying degrees of care, almost all of the principal works of the European philosophical tradition, from Plato to Nietzsche. We learned a smattering of ancient Greek, enough to struggle through a lexicon-aided translation of Aristotle's *Physics* and St. John's Gospel. We studied the unfolding of Western scientific and mathematical thought, from Euclid and Democritus to Einstein and Lobachevski. But what we did not do, to any significant extent, was study the works of American authors and thinkers.

Not until I spent a post-collegiate year teaching high-school history and literature, including American literature, did I rediscover the classic works of American literature. And it was literally a life-changing experience. When I again read the important American authors of the past two centuries—Hawthorne, Thoreau, Melville, Emerson, Stowe, Whitman, Poe, Twain, Henry Adams, William James, Henry James, Dickinson, Faulkner, Hemingway, Fitzgerald, Dos Passos, Cather, Mencken, O'Neill, O'Connor, Frost, and so on—I felt as if I had come home to something and been reunited with a long-lost band of brothers and sisters. I revered the books I had read at St. John's. But the American authors spoke more directly to my condition. Their questions were my questions, their anxieties mine, their strengths mine—and perhaps also their weaknesses.

Without knowing it, I had stumbled onto one of the central themes of American history. For no question has bemused and bedeviled American writers from the nation's beginnings more persistently than the question of how America was related, intellectually and culturally, to Europe. In declaring political independence, had it declared something approaching cultural independence? Or was it still mired down in a kind of colonial mentality, even as its political and social institutions, and its galloping commercial and industrial economy, were vaulting ahead into previously unimagined territory? One sees this dichotomy all the time, an opposition between what Philip Rahv called palefaces and redskins—*palefaces* being writers who attempted to produce a high-toned American literature, worthy of comparison in both form and content with the great literatures of Europe; and *redskins* being those who believed that it was the destiny of American

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culture to produce something dramatically different, something indigenous, something as bold and distinctive as the facts of American social and political democracy.

The core conviction of the redskin author was well captured by Ralph Waldo Emerson when he complained that "we have listened too long to the courtly muses of Europe." These were "courtly" muses, a modifier meant to remind his listeners of the fiercely anti-monarchical and anti-aristocratic premises undergirding American political life. But the thrust of his remarks was to urge would-be American writers to find their own way, to treat their European heritage not as a sacred legacy but as an exploitable (and dispensable) resource. And, in a different but complementary way, the influential American historian Frederick Jackson Turner propounded a theory of American origins that discounted the "germs" of European culture and, instead, found the genius of American democracy arising out of the life of the American frontier.

In the spirit of "why not?"

Such reflections bring to mind the concept of America as an "experiment." One does not have to look very hard to find contemporary examples of the use of this concept. Marjorie Heins, director of the Arts Censorship Project of the American Civil Liberties Union, casually invoked it during the course of a March C-SPAN appearance, in connection with the suit brought against the National Endowment for the Arts (NEA) by controversial performance artist Karen Finley and several others who had been denied NEA grants on the grounds that they offended general standards of decency. Of course, Heins thought the NEA's denial of funding to the likes of Finley was deplorable, and she marshaled all the familiar arguments as to why this was the case. But the clinching argument, in her mind, was contained in her declaration that "we are as a nation collectively involved in a great experiment," and that our national commitment to free experimentation demands that we be "mature" enough to "contribute" some portion of our tax dollars to the subsidizing of forms of expression that we do not like. (That it might be more logical to demand such "maturity" first from those who receive and distribute such Federal moneys, rather than from the taxpayers who pony

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them up, was an unexplored alternative, though one that the Supreme Court now appears to have endorsed.)

Another, rather more chilling example of the language of experiment appeared in a December 1997 op-ed piece in the *New York Times* by Harvard law professor Laurence Tribe, dealing with the possibility of human cloning. Tribe argued that it was premature, and perhaps unwise, for us to prohibit such cloning, and he adduced a variety of grounds for this assertion. At the head of the list was the need to preserve the central importance of experimentation in American culture. A society that privileges certain behaviors as "natural" and stigmatizes others as "unnatural" runs the risk of "cutting itself off from vital experimentation," including experimentation with alternative lifestyles. The prohibition of cloning, he continued, might serve to open a Pandora's box of reactionary sentiment, ultimately serving to cast a pall of doubt over all those who are experimenting with "unconventional ways of linking erotic attachment, romantic commitment, genetic replication, gestational mothering, and the joys and responsibilities of child rearing." The great experiment that is America must be permitted to go on, no matter what.

In both cases, then, we have the idea of America-as-experiment offered as a last refuge of the otherwise unthinkable or indefensible. One often sees the partisans of the most extreme forms of multiculturalism, or advocates of a transformation in the standards of American citizenship, or other opponents of the very idea of a common American culture, making a similar flourish: America is not, in their view, a set of fixed beliefs or standards or customs or laws or codes or institutions. *America is an experiment.* And who could find fault with that? Is not experimentation a wonderful thing, a trademark of individual liberty, the sign of a curious and questioning mind, a quality more inclusive than motherhood and certainly much healthier than apple pie?

Well, maybe. But such statements beg the question of what an experiment is and of what it might mean to live in a country that embodies an experimental spirit. Is the spirit of experiment the same thing as an endless process of asking "why not?" Is it a sort of endless project of deconstructing the stable, reconfiguring the given, overturning the traditional,

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and driving our carriages over the bones of the dead, in William Blake's grisly phrase? Is America the land of antitraditional tradition—what Irving Howe called "American newness"? Is America the world's beacon of modernity, its Oval Office of perpetual experimentation? Is America the non-nation nation in which all that is solid melts into air, as regularly as the eruptions of Old Faithful in Yellowstone National Park? Is that what we mean by liberty, the liberty to experiment, to declare independence from everything that has come before us, to discard the tried and embrace the untried—exercising our creativity even if it means reinventing the wheel?

Who are we?

Clearly this imprecise and sentimental idea of America-as-experiment needs to be examined. But before we do, it's important to point out that there is something about the American experience that makes us want to pose the questions, "What is the *meaning* of America? And what does it mean to be an *American*?" These are questions that Americans, and non-Americans, have posed again and again, and they have lost none of their fascination. To be sure, in educated circles such questions are now often considered out of date. In the multicultural dispensation, the American nation is to be regarded as little more than a functional container for other identities. According to that view, the experimental quality of America is found precisely in this: that America can be made a "denatured" nation, from which the "bad" qualities of nationalism are removed. Such an America would bear the same relationship to a real nation that the Ford Foundation does to the Ford Motor Company.

Nevertheless, the need to search for the "meaning" of America seems incorrigible, and that need is in itself an immensely significant datum about America. No modern nation has been more prone to bouts of self-scrutiny and attempts at self-characterization than the United States. For all that Americans have been satirized as a nation of glad-handing extroverts and shallow materialists, they have also proved to be a remarkably introspective people. There are all sorts of ideas about the core meaning of America in circulation, and no one is predominant. There are debates about such

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matters, and these debates are themselves part of what America is. Long may these debates continue. But their existence does not mean that we don't agree on anything, since even disagreement is not possible unless agreement is also present.

There are a number of contenders put forward over the years as "keys" to American national identity. Let me name a few. First, there is the Puritan idea of America as a probationary "errand into the wilderness" and Americans as a people called to a mission of redemption and a life of the most rigorous self-examination. There are the universalistic accents of the Enlightenment, thought to have resonated especially widely and deeply in the American context. There is the tendency, whether republican, Enlightened, or romantic, to see American life as a liberation from the corrupt and arbitrary constraints of custom and tradition, and as a recovery of the innocence and authenticity of Nature. There is the unusual degree of self-conscious deliberation with which America, as "the first new nation," was brought into being and its principal institutions founded. There is the broadly inclusive creedal or ideological (rather than narrowly cultural or racial) basis of American national identity—the sort of thing that made Chesterton call the United States "a nation with the soul of a church." There is the libertarian, Live Free or Die conception of America as the one place on earth where you ought to be able to do exactly as you please. And finally, as I have already mentioned, there is the identification of America as the prototype and exemplar of modernity. All these conceptions have contributed to, and perpetuated, deep-seated ideas of national distinctiveness.

The cross-cutting diversity, even incompatibility, of these conceptions can seem bewildering at first glance. Think of some of the names, used as labels and slogans, that pepper our history of national self-reflection. America is: the New Israel, the City Upon a Hill, the Empire of Reason, the New Eden, Nature's Nation, the Nation Dedicated to a Proposition, the Great Refuge or Asylum, the Melting Pot, the Land of Opportunity, the transnational "Nation of Nations," the Novus Ordo Seclorum, the Redeemer Nation, the Almost-Chosen People, the Last Best Hope of Mankind, and, most recently, the Indispensable Nation. One of the more significant slogans on offer today is contained in the title of one of the best-

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selling American history textbooks, Alan Brinkley's *The Unfinished Nation*. We will return to that idea in a moment. Suffice it to say, for now, that it's clear that Americans are haunted by the idea that their nation is distinctive, that it *means* something, and that that meaning is something that has to be consciously appropriated anew, rather than being passed along effortlessly like genetic information.

The original experiment

Does the idea of America-as-experiment belong in this group? To answer that, we have to take a closer look at the idea of experiment. The dictionary defines experiment in three ways: first, as a test made to demonstrate a known truth; second, as a test to examine the validity of a hypothesis; and third, as a test to determine the efficacy of something previously untried. The Latin roots of the word strongly suggest the guiding idea of *trying* or *testing*. But what should be obvious, in all three definitions, is that experiment is always related to some specific end, some well-defined goal, some truth, hypothesis, pattern, or principle to be confirmed or disconfirmed. This is the case even with the last definition, trying the efficacy of something untried, which, at first glance, might seem to include the radical "why not?" school of experimentation. It doesn't, though, because the concept of "efficacy" is necessarily related to some very particular and carefully circumscribed end. (When Roman Catholics speak of the "efficacy" of the sacraments, they do not mean that the wine makes you drunk.) The key to an effective scientific experiment lies in the careful definition of the problem, a definition that does not change in midstream and that always seeks to identify, understand, and harness the laws of nature, not transform or obliterate those laws.

In that sense, the American nation most definitely *was* an experiment at the outset. In particular, it is clear that the Framers of the Constitution, and the early generations of American national political leaders, thought of their handiwork in precisely this way. Alexander Hamilton began the first paper of the *Federalist* with the famous speculation that it "seemed to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether

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societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force." The word "experiment" is not used here, but the concept certainly is; and the word itself occurs in 24 of the papers in the *Federalist*—always used in a very matter-of-fact, practical, unmystical way. The implication is that experiments succeed and experiments fail, which describes how knowledge progresses.

In contrast, it's revealing to ask ourselves whether the ACLU's project director Heins would ever be willing to concede that the "experiment" of subsidizing offensive art had "failed." Is there any conceivable evidence that she and others like her would find persuasive? Or, in Tribe's case, can one identify a purpose or end for all this experimentation—or, for that matter, any conceivable set of values that could take precedence over the sovereign right of self-determining individuals to live experimentally? In that case, what do they *really* mean by "experiment"?

In any event, the word "experiment" was used quite precisely by George Washington, in his First Inaugural Address, where he echoed Hamilton's view almost exactly, remarking that "the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as deeply, as finally, staked on the *experiment* intrusted to the hands of the American people." What he meant was best understood as a careful practical experiment, not an open-ended utopian experiment in human engineering or consciousness transformation. And the ends of the experiment are made clear in Washington's statement. They are the preservation of liberty and the republican model of government. The Framers, by and large, saw this new constitutional order as an informed and realistic effort to use the knowledge of history and human nature in order to defy the known effects of history and human nature, both of which seemed to teach the doleful lesson that the fate of even the best free republics was the fate of Rome, America's exemplar *and* its warning.

Because the Framers believed that human nature was perverse and incorrigible, and that the republican form of gov-

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ernment was exceptionally unstable and corruptible, the example of Rome, in both positive and negative ways, hung over the early nation like a gigantic unanswered question. Everywhere one looked, the adulation of Roman models was evident—in the neoclassical architecture, in the public statuary, and even in the classical *noms de plume* (Publius, Brutus, Cato) chosen by both proponents and opponents of the Constitution. But since even Rome had succumbed, in the end, to the corruptions and ambitions of human nature, that adulation was inevitably double-edged.

New deals

So there was plenty to be nervous about in the American experiment. Yet, by the time Abraham Lincoln gave his speech on "The Perpetuation of our Political Institutions," before the Young Men's Lyceum of Springfield, Illinois, in 1838, the results of the experiment were in. "America had been felt to be an undecided experiment," said Lincoln; "now, it is understood to be a successful one," having conclusively proved "the capability of a people to govern themselves." But success, he continued, brought its own perils. As the "patriots of Seventy-Six" who had created the new nation passed away, and a postrevolutionary generation came of age, there was the danger that the commitment to the republic would flag. Now that the success of the experiment was no longer at issue, the younger generation was left without a proper field of activity for its own heroic aspirations. Lincoln worried that "the temple must fall" unless "other pillars" be provided to take the place of the Founding generation, pillars "hewn from the solid quarry of sober reason" rather than the powerful, but unsustainable, passions that had motivated the revolutionary generation. In a sense, then, Lincoln saw a perpetuation of the spirit of experimentalism, and of experimental urgency, as a part of any effort to perpetuate our political institutions. Perhaps this was why, 25 years later at Gettysburg, he recurred to the idea that the Civil War itself was a "testing" of whether the product of such a republican experiment "can long endure."

Lincoln was right. Part of the value of the idea of "experiment" is the sense of alertness and responsibility for our own

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lives that it awakens in us. If we do not hold up the walls, who will? But, whatever one thinks of his formulation, it seems hard to escape the fact that the scope and character of the experiment were also being slightly redefined by Lincoln, and perhaps expanded beyond what Washington had in mind—most notably in the Gettysburg Address's invocation of the war's call for a "new birth of freedom." His words are inspiring, and yet also hauntingly ambiguous.

Yet such language seems mild compared to the distended language of Franklin D. Roosevelt's First Inaugural, often praised as an example of the pragmatist spirit in American politics. The economic conditions of the day, he declared, demanded "bold, persistent experimentation." One should not get too fancy about it; instead, "take a method and try it: if it fails, admit it frankly and try another. But above all, try something." We are a long way here from the notion that the aim of the experiment is the cultivation of a regime built around ordered liberty. And yet, to give him his due, Roosevelt still clearly linked the process of experimentation with results. Like a good pragmatist, he recognized that an experiment can produce negative results, or even fail altogether.

Rorty's dream country

But these examples illustrate how pliable are the uses of the idea of experiment. It is an ambiguous word, and sometimes a dangerous one. Roosevelt's language was pointing toward the sense of experiment that we increasingly hear expressed today, one that is more than willing to entertain the transformation of the American people and nation into something radically different from what they are and have been. In this view, the American project, to the extent we can even talk about such a thing, is unfinished and nothing to take any great pride in—yet. Fortunately, however, nothing is static or fixed. We are continually remaking, reinventing, and recreating ourselves as a people. Democratic ideals are being recast; civic identity is in flux. Anything is possible.

Of course, all these things are true to some extent. We are indeed always changing and adapting. And to call America an "unfinished nation" can be viewed as a form of honest affirmation, a way of endorsing an enterprise that has repeatedly

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fallen far short of its professed ideals, perhaps most notably and shamefully in its treatment, over several centuries, of African slaves and their descendants. But the question is whether everything is therefore to be open to transformation. A proper experiment requires stability in the object, in the means by which the experiment is conducted, and in the ends the experiment is designed to achieve. It is one thing to argue that the experiment needs to be conducted more faithfully and quite another to say that it needs to be redefined or junked altogether. In the historian John Fonte's telling words, we need to be on our guard about "the concept of America as an 'unfinished nation,'" since this can be employed as "a blank check to argue for the reinvention of the American nation-state from its origins as an experiment in self-government tempered by constitutional liberty, to a permanent cultural revolution." Thus would the concept of America-as-experiment be transformed into Experimental America.

A salient expression of this theme appears in the philosopher Richard Rorty's new book, *Achieving Our Country*, an attempt to revive the fortunes of leftist thought in American political life, by urging American academic intellectuals to stop theorizing so much and to get back to the business of social transformation. Had the words not already been used by Nike and Jerry Rubin, the book's title ought to have been "Just Do It." That we all "know" what needs to be done, and that the past three decades of debates over economic and social policy are not even worth noticing, is only one of the book's staggering assumptions. But let that pass. I want instead to focus on a passage from near the end of the book which illuminates the landscape like a lightning bolt. This book has been warmly received by those who want to see in it an affirmation of America and an effort, in accents recalling the glory days of the Popular Front, to recover the mantle of patriotism for the Left. Yet this hope simply does not bear up under scrutiny. Rorty has the considerable virtue of being a clear writer, a virtue that makes it hard to hide the real thrust of what he is saying.

> Nobody has yet suggested a viable leftist alternative to the civic religion of which Whitman and Dewey were prophets. That civic religion centered around taking advantage of traditional pride in

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> American citizenship by substituting social justice for individual freedom as our country's principal goal. We were supposed to love our country because it showed promise of being kinder and more generous than other countries.... This was a counsel of perfection rather than description of fact. But you cannot urge national political renewal on the basis of descriptions of fact.... You have to be loyal to a dream country rather than to the one to which you wake up every morning. Unless such loyalty exists, the ideal has no chance of becoming actual.

The last two sentences are especially startling. What makes them so is that they come from a leading advocate of pragmatism, a philosophy that, whatever else it means, is committed to an emphasis upon the actual, the immediate, the concrete, the particular, as opposed to the ideal or fantastical. One would have thought that a pragmatist would be less of an idealist, would have more respect for the way things are. But Rorty's statement serves to make the point that there are some ways in which America is not an experiment, and it is pernicious to talk as if it is. There is a big difference between saying, as Lincoln did, that the great achievements of our fathers are fragile, and ever in need of support and bolstering, and saying that our country does not exist yet, because it does not yet correspond with the dreams of enlightened intellectuals. This is the language of "unfinished nation" taken to its extreme. "Achieving" our country is the sort of ungrammatical phrase that always should be a tip-off that an intellectual heist is taking place. We do not use the word "achieve" in the way Rorty has tried to use it. One accomplishes a task, one does not "accomplish" a country. One lives in it—unless, that is, one is a pragmatist who urges us to live in a dream country, rather than the one that actually sustains us.

A more serious way of making this point is to say that we cannot live in the world provisionally. Otherwise, we will reach the end of our lives without ever having begun them. A far better pragmatist, William James, understood this fully. We *must* make choices, ultimate choices, merely to live. We are not born into a vacuum or on probation from reality. We have specific fathers, mothers, contexts in which our duties and obligations are shaped. Our duties are to them, not to the fathers, mothers, and others that we would have preferred to

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have, had we been able to create the universe in a manner more after our own hearts. We cannot say, with Herman Melville's haunted character Bartleby the Scrivener, "I would prefer not to." We cannot withhold ourselves from our country until it meets USDA standards of purity. We do not have it in our power to reinvent the world first and then, and only then, to live in it. The past has a reality, has inescapable sway, has authority over us. And we cannot be nurtured by that past until we acknowledge its reality.

Withholding ourselves

This brings me to a very great American poem, "The Gift Outright," by Robert Frost, which, it seems to me, captures some of the ambivalence present in the idea of America-as-experiment. Like most of the greatest works of American literature, it is flawed; but even its flaws have a meaning that enriches the whole incalculably.

The Gift Outright

The land was ours before we were the land's.
She was our land more than a hundred years
Before we were her people. She was ours
In Massachusetts, in Virginia,
But we were England's, still colonials,
Possessing what we still were unpossessed by,
Possessed by what we now no more possessed.
Something we were withholding made us weak
Until we found out that it was ourselves
We were withholding from our land of living,
And forthwith found salvation in surrender.
Such as we were we gave ourselves outright
(The deed of gift was many deeds of war)
To the land vaguely realizing westward,
But still unstoried, artless, unenhanced,
Such as she was, such as she would become.†

The idea of American civilization as "colonial" and the image of the "land vaguely realizing westward" are powerfully evocative of Emerson and Turner, of the idea that American civilization needs to find its own distinctive voice, rather than live off the inheritance of its European patrimony. This is, as

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I have said, an immensely strong element—the redskin element—in American intellectual history. But the phrase "something we were withholding made us weak" seems to me a phrase that Rorty might want to take to heart. Maybe the thing that makes Rorty's Left weak, aside from its ideas, is what it is withholding. It is the very withholding that Frost warns against, and that Rorty, notwithstanding his praise of isolated figures like Dewey and Whitman, urges us to persist in. In fact, many of us who have spent our lives moving away from the Left were first nudged in that direction by a sense that its ideas and withholding were part of one and the same problem. A reading of *Achieving Our Country* will not change anyone's mind about that.

A primal love of one's country, like the primal and inexplicable love of Being itself, constitutes an enormous emotional and spiritual resource, to be drawn upon in all the endeavors of one's life by those fortunate enough to have it. Such love is not synonymous with complacency. Nor is it synonymous with any particular ideological commitment or political identification. But it is incompatible with the idea of America as an open-ended social experiment, an entity yet to be achieved, in which all options are open, all traditions subject to dissolution, and all claims revocable. And it is incompatible with the idea that our Constitution is a *living* document, the content of which is determined by what our robed masters and law professors tell us it means today.

If everything is open to change, then nothing finally matters but the narcissistic self, the one still point left in a turning world. Or perhaps even that narcissism will give way to Robert Jay Lifton's "protean man," which unapologetically celebrates the postmodern conception of the self as an ensemble of endlessly changing roles. But this is a recipe for disaster. It produces lives stunted by the false excitement of a provisionality that is, at best, nothing more than an extended adolescence. Experimentation cannot be an end in itself; the very concept disintegrates at the first analytical touch. The experiment of America, like all experiments, means nothing unless it is undertaken for the sake of what is not experimental, and for the sake of those convictions, beliefs, and fundamental commitments embodied in the term "ordered liberty."

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Two experiments

There is one more insight to be gleaned from Frost: his notion of the Gift Outright. "Such as we were, we gave ourselves outright," he says. An "outright" gift is one given wholly, without reserve or qualification. Well, what are we to make of this? Do we ever really have that power of self-endowment, the power to make ourselves? Certainly not, and perhaps Frost is guilty of an overstatement here, guilty of succumbing to his own redskin and Turnerian prejudices. But, at the same time, Frost has captured a struggle that is intrinsic to American history and to the relationship between what we are as Americans and what we are as part of Western Civilization. The same ambivalence is at the heart of the idea of experiment in American history. On the one hand, experiment is a controlled and rational truth-seeking process that takes seriously and earnestly the conditions in which one has been placed. It also takes seriously our natural or God-given power to act and, thereby, to influence our world. The recognition of the power of the past should not be a counsel of passivity; on the contrary, it should be a goad to action. It is *that* sense of experiment that Washington and Hamilton and Lincoln, and even Rorty's hero John Dewey, invoked.

But there is also the sense of experiment that Rorty's other hero, Walt Whitman, invoked: experiment as the search for a condition of boundlessness and unconstraint, of Promethean rebellion against the dead-hand authority of God and nature—the song of the open road and of "the land vaguely realizing westward." There is quite a lot of that in the American intellectual tradition, going back at least to Jefferson, with his conceit that America was to be "nature's nation," free from the confining artifices and corrupting hierarchies that disfigured all other nations, a nation in which the individual is set free from all ascriptions of birth and heritage, free to make himself. And there is even more of that in our modern and postmodern fantasies of self-construction, in which individual persons are to be regarded as (in John Rawls's words) "self-originating sources of valid claims." Let me admit, too, that I cherish the sense of fluidity, the sense of sheer possibility, in American life. But it is a foolish and ungrateful illusion to pretend that one has no

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antecedents and that one's present existence is a gift outright from one's self.

To put this same point in a rather different way, the redskin strain in our intellectual history suffers from a prickly defensiveness, even immature defiance. One sees this tendency in, for example, Mark Twain—a tendency to try just a little too hard, to counterpunch too much against "courtly muses," whether real or imaginary, and thereby to show too little confidence in the possibility of an Americanness that is comfortable with its European heritage. Sometimes a redskin can even sound like a redneck. To be sure, there are worse things than being a redneck. But these are not our only choices, and we should never imagine that they are. We have a more goodly and various heritage than that. The American versus European conflict is an important historical element in that heritage. But we ought to be mature enough to understand that the grounds for that conflict are now largely past. America will continue to have, as it has since at least 1945, an essential role to play in the protection and perpetuation of that European heritage. At the same time, America will also need to attend, more closely and carefully than it has in the past, to parts of that heritage it has increasingly neglected or marginalized, if it is to play the role effectively.

From old west to post-west

That brings us to the final point. In 1994, the political scientist James Kurth wrote an article in the *National Interest*, in which he argued that future conflicts would not be between the West and other civilizations but, instead, "between the West and the Post-West, within the West itself." This clash, he argued, "has already taken place within the brain of Western civilization, the American intellectual class." The term "Post-West" is a felicitous one for our purposes, since it implies a combination of dependency and departure. What we mean by the Post-West is a massive intensification of certain very Western ideas, to the exclusion of others. The hypertrophy of the idea of "rights," detached from notions of individual limitations or accountability, is a vivid example of the sort of thing I mean.

But at the very center of the Post-Western idea is a redefinition of the meaning of the nation. We have come from

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being Nature's Nation to contemplating the Denatured Nation. America is no longer to be thought of as an entity whose cohesion is based on a shared set of values, shared social and institutional arrangements, a shared legal structure, a shared history, a shared culture, and a shared standard of citizenship. Or, to the extent that it is so conceived, and a modernist rather than postmodernist ideal prevails, all such desiderata are considered subordinate to certain international and universalistic values: humanitarianism, egalitarianism, democracy, international equity. Either way, the nation-state is understood to be inadequate, and the idea of national sovereignty obsolete. There is a strong overriding sense of experiment in the Post-West (though a sense one cannot find in Frost and can only rarely find in the great American tradition). It is a sense of "experiment" as the promise of total and open-ended human transformation, a sense that amounts (as Richard Rorty makes explicit) to an unrelenting war against the limiting conceptions of God and nature.

That project is, of course, also Western, based as it is on Western notions of the systematic relief of man's estate through the exercise of instrumental reason. Arguably, Karl Marx was the modern Western philosopher, par excellence. He certainly wasn't anything else but Western. That fact should give us pause when we think about Western civilization as a benign or inert body of knowledge in any simple sense, rather than as a peculiarly charged, dynamic, and self-questioning activity, one that can go badly astray. The West is no one thing, and the roots of American order are astonishingly various. Only to think about the fundamental incompatibility of Athens and Jerusalem, and about the equally indispensable role that each plays in the sustenance of this civilization, is to realize how complicated a task it is to describe the West.

But, at the risk of oversimplification, I think we can say one thing. These days, when we think of the West, we tend to think of such ideals as individual liberty, private property, democratic polity, economic growth, and the transforming power of applied science. And all these things are indeed characteristics of the modern West. But they have been successful only because they arose in a larger and longer context. The historian David Gress calls that context the Old West, by which he

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means the premodern synthesis deriving from the classical civilizations, medieval Christianity, and Germanic culture. The pathologies of the world we now live in, with its hard and inhuman techno-rationality, its growing disregard for the intrinsic value of human life, its fanatical desire to conquer and manipulate nature, its shameless compulsion to make public what should be private (and make private what should be public), its willingness to put a price tag on anything for which there is a potential buyer, and its inability to conceive a higher calling in life than the pursuit of individual pleasure—each of these pathologies represents a grotesque intensification of values that were originally benign, so long as they were embedded in a deeper set of metaphysical convictions. Virtues become vices when they are disconnected from their proper points of reference. This is precisely why experimentation cannot be a sufficient end in itself.

Retrieving our country

Yet I do not want to conclude in a way that appears to disparage the idea of experiment, especially since there is still one great experiment ahead of us now, and its outlines are becoming clearer and clearer as time goes by. There has been a growing division in the Western soul between the Old West and New West—between those who embrace either the *imago Dei* or a normative conception of nature, with the inherent limits upon the human will and human condition that such conceptions impose, and those who disdain such limits in the name of boundless revolutionary or technological transformation. It seems increasingly likely that this division, as it grows and deepens, will correspond less and less to the usual divisions of liberal and conservative. Which is to say that both ends of the ideological spectrum will need to take stock of themselves and of how they stand with respect to these matters.

The stakes are high, as high as they were in 1787, if not far more so. If the West is to survive and thrive, and if it is not to devolve into a doomed pseudo-civilization of soulless hedonists and consumers, a dystopia less like Orwell's than Huxley's, a way of life that will earn, and deserve, the world's contempt, it must recover the lost Old West. For it is only within that framework of meaning that the achievements find their

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proper measure. The moral revulsion that most—though not all—of us feel at the now-looming prospect of human cloning, taken along with the inability of many of us, from President Clinton on down, to provide a persuasive justification for this revulsion, should be a warning to us that Western man cannot live for long by the values of the New West alone.

So we, too, are embarked upon an experiment—a great experiment in cultural recovery. No one knows whether it can succeed. There is no real precedent for it, at least not on the scale required now. One sees precisely the same aspiration weaving in and out of the highly interesting, if abstract and tentative, reflections of a European figure like Vaclav Havel. But America will have to be the proving ground for this experiment in cultural recovery, and the task will be especially difficult here. When Nathaniel Hawthorne used to complain that America had no ruins and castles, he was pointing not only to the nation's youthfulness but to its weak relationship to premodern institutions. And so we will not be able to stumble into this transformation. We will not find it by rummaging around in our basements and attics. We will not be able to find it, as Turner said the frontiersmen found democratic freedom, by exchanging our leather shoes for moccasins and our automobiles for birch canoes. We are going to have to engage in an arduous process of consciously reappropriating the past, a past that has nearly slipped out of our reach. And we must do so not out of antiquarianism but in a fresh and unprecedented way, knowing that our lives depend on it.

It is a formidable experiment. It will be the great task of the rising generations. As in any experiment, the possibility of failure is very real. But we can take inspiration from the fact that the original experiment of Hamilton and Washington and Lincoln has succeeded. And there are other aspects of our past we can build on. One of the enduringly suggestive features of Turner's view of American history, notwithstanding all its faults, is its energizing idea of a *frontier*. John Kennedy called his program the New Frontier, hoping to borrow some of that word's resonance and to mark the coming of a new generation. Well then, here is a new frontier, for us, now: our very own experiment, every bit as exciting and challenging as the one our forebears embraced, if very different in kind. May we fare as well as they did.

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Does immigration harm the poor?

STEVEN A. CAMAROTA

PARTLY as a result of reforms undertaken in the 1960s, the United States is currently experiencing the largest sustained wave of immigration in its history. Each year, the United States admits between 700,000 and 900,000 legal immigrants; additionally, the Immigration and Naturalization Service estimates that 5 million illegal aliens now live in the country, with 400,000 new illegal aliens settling here annually. This influx of legal and illegal immigration has caused the foreign-born share of the population to double from roughly 5 percent of the population in 1970 to 10 percent today. While less than the 15 percent recorded in 1910, the 27 million immigrants now living in the country is more than twice the 1910 number.

A fierce national debate has erupted over the wisdom of allowing in such a large number of people. The most notable recent study of the issue comes from the National Academy of Sciences' National Research Council (NRC). Prepared by many of the top economists, demographers, and sociologists in the

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field, the study, *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*, contains an extensive analysis of the latest research on the subject as well as a good deal of original work. The media has devoted considerable attention to the study. However, misled by the study's rosy press release, they have claimed that *The New Americans* unequivocally confirms the benefits of immigration. In fact, the NRC study found that the total effect of immigration on workers, employers, consumers, and taxpayers is probably small. But it also finds—and this has gone unreported in the media—that the negative effect of immigration on unskilled workers and taxpayers in high-immigration states is substantial.

The disparity between the study's actual findings and its portrayal in the media caused George Borjas and Richard Freeman, two Harvard economists who helped write the study, to chastise the report's editor, James Smith of Rand, in the *New York Times*. They accused him and Senator Spencer Abraham, chairman of the Senate Immigration Subcommittee, of distorting the study by portraying immigration as a "free lunch." In this essay, I will explore what *The New Americans* actually says about who wins and who loses from immigration and what policy implications might be drawn from its findings.

Immigration's effect on wages

One of the most hotly debated aspects of immigration is its effect on the wages and job opportunities available to natives. After reviewing the literature in the field, the NRC study concluded that the negative effect of immigrants primarily takes the form of wage losses for workers who lack a high-school degree. This is the only educational group adversely affected by immigration because such a large percentage of recent immigrants lack a high-school education—about 40 percent. And it is only in this skill category that the proportion of immigrants is large enough, 25 percent by the mid 1990s, to exert a significant downward pressure on wages.

To arrive at its estimates, the NRC study used Census and other government survey data to compare increases in the supply of one type of worker relative to other workers brought about by immigration. The wage consequences of immigration are then calculated using an existing body of research that has

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measured the wage effects resulting from shifts in the relative supply of labor. An increase in the supply of unskilled workers is assumed to lower wages for those natives in competition with immigrants. In contrast, those who tend not to be in competition with immigrants should see their wages rise as demand for skilled labor increases. Additionally, consumers should benefit from price reductions for goods produced by unskilled labor, and owners of capital should also realize a better return on their investments from falling labor costs.

Using this method, the NRC study estimated that immigration was responsible for 44 percent of the decline in wages that high-school dropouts experienced from 1980 to 1994. Some research, including my own, indicates that the wage effects of immigration on workers with few years of schooling are larger than those reported in the NRC study. But, if we accept the estimates in the study, it means that 13 million workers, a group that roughly corresponds to the poorest 11 percent of the labor force, are experiencing an immigration-induced reduction in wages of roughly 5 percent or $13 billion a year. These losses should generate economic benefits for owners of capital and more skilled workers who can now be paid more. The estimated size of the gain is thought to exceed the loss to the unskilled by roughly $5 billion or around one-tenth of 1 percent of our $7 trillion economy.

It is important to note that these calculations do not take into account the marginal utility of income. That is, each dollar lost or gained is more valuable to those with low incomes because they have less money to begin with. If this had been included in the calculation, then the overall effect on the economic well-being of natives is likely to be negative. Putting aside this question, as well as immigration's effect on public coffers, which will be discussed later, the NRC report's estimates tell us two things: First, the overall impact of immigration is miniscule given the enormous size of the American economy. And second, the primary economic effect of immigration is to redistribute income from the poor and unskilled to skilled workers and owners of capital.

The study relies on changes in the relative supply of labor to determine the effects of immigration because it is now widely accepted that the labor-market effects of immigration

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are likely to be national in scope. In the past, economists had compared cities with differing percentages of immigrants and generally found little effect from immigration. However, this method is now widely viewed as inadequate. Research by University of Michigan demographer William Frey and others indicates that native-born workers migrate out of cities and states as immigrants move in, especially natives with few years of schooling. The movement of natives in response to immigrant competition spreads the labor-market effects of immigration from high-immigrant areas to the rest of the country.

In addition to internal migration, the huge volume of goods and services exchanged between cities across the country creates pressure toward an equalization in the price of labor. For example, newly arrived immigrants who take jobs in light manufacturing in a high-immigrant city such as Los Angeles come into direct and immediate competition with natives doing the same work in a low-immigrant city like Pittsburgh. The movement of capital seeking to take advantage of any immigrant-induced change in the local price of labor should also play a role in preserving wage equilibrium between cities. Besides the response of native workers and firms, immigrants themselves tend to migrate to those cities with higher wages. In short, the mobility of labor, goods, and capital, as well as choices made by immigrants, make it very difficult to determine the impact of immigration by comparing cities. By calculating the increases in the relative supply of labor nationally, the NRC study avoids this problem.

The findings of the NRC study also suggest that some groups are more adversely affected by immigrant competition than others. For example, because blacks in the work force are 33 percent more likely to lack a high-school degree than whites, a much higher proportion of them are hurt by immigration. There is also a good deal of anecdotal evidence, and some systematic research, to indicate that many employers see immigrants as more reliable and hard working than native-born blacks. A recent study of the Harlem labor market, by Katherine Newman and Chauncy Lennon of Harvard, found that 41 percent of the immigrants in their sample of low-wage workers were able to find jobs within one year while only 14 percent of native-born blacks were able to do so. The authors con-

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clude that immigrants fare better in the low-wage labor market because employers see them as better workers. If this is the case, then it means that there is an added effect on unskilled blacks in competition with immigrants beyond just the wage reduction experienced by all unskilled workers.

Another group that is disproportionately harmed by immigrant competition is the long-term welfare population. Because two-thirds of this population lacks a high-school diploma, immigration is likely to make it more difficult for them to find jobs that pay enough for self-sufficiency. And probably those most adversely affected by immigration are earlier waves of immigrants, who often find themselves in direct competition with the newer immigrants. Overall, those groups that are disproportionately represented among the poor and unskilled will bear the brunt of the negative wage effects of immigration.

Immigration's fiscal impact

Immigrants not only affect natives by their presence in the workforce but also through their consumption of public services. Based on Census and other government survey data, the NRC study concluded that, at the present time, immigrant-headed households consume more in public services than they pay in taxes. The current fiscal burden—tax revenue minus expenditures—imposed on all levels of government by immigrant households is estimated to range from $11 billion to $20 billion. That's more than the report's estimate of the net gain from having immigrants in the work force. While large in absolute terms, when one considers that total expenditures by all levels of government exceed $2 trillion each year, the added fiscal burden is relatively small. However, as is the case with the wage effects of immigration, the negative fiscal consequences are not evenly distributed across the population.

Six states—California, New York, Texas, Florida, New Jersey, and Illinois—which have only 38 percent of the nation's total population, account for three-fourths of the immigrant population. It is in these high-immigrant states that the negative fiscal effects of immigration are felt. In New Jersey, for example, the average household headed by an immigrant used $1,484 more in state and local public services than they paid in taxes each year; in California, the figure was $3,463. If one

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were to multiply these averages by the total number of immigrant households in each state, and then divide it by the number of native households, one would discover that the added tax burden imposed on the each native household in New Jersey is $232; in California, $1,178.

The study also found that immigrants have a net positive effect at the federal level. In New Jersey and California, the average immigrant household currently uses $520 and $127 less, respectively, in *federally* provided services than they pay in federal taxes. This translates into a net benefit of $3 and $4 to each native household in the United States. Combining the positive fiscal effect at the federal level with the negative fiscal effect at the state and local level reveals that the negative fiscal impact of the average immigrant household is $964 in New Jersey and $3,336 in California.

Immigrants have a negative fiscal impact for three reasons: First, they have more children than natives and so consume more in educational services. Second, immigrant households are poorer than native households and, therefore, receive more in state and local income transfers. Third, because immigrant households have significantly lower incomes than native households, they pay less in taxes. In 1996, for example, immigrants who entered after 1980 reported average annual earnings that were only 65 percent that of natives. The reason that immigrant households have a positive effect on the federal budget is that they are assumed to impose no additional costs on pure public goods provided by the federal government, primarily defense. Thus expenditures on defense are applied only to native households.

While at present immigrants do not pay enough in taxes to cover their consumption of services, the NRC study also attempted to measure their long-term fiscal impact. The study found that if today's immigrants and their descendants use services and pay taxes over the course of their lifetimes in a manner similar to immigrants and their descendants in the past, then an immigrant who enters today will begin to have a positive effect on public coffers in about 22 years. It takes an additional 18 years for immigrants and their descendants to pay back the negative burden they imposed for the first 22 years. This long-term fiscal benefit depends entirely on the taxes that the descendants of immigrants are expected to pay

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and not on the tax contributions of the immigrants themselves. When only the tax payments and public services used by the immigrant himself are considered, the NRC study found that the average immigrant does not pay enough in taxes to cover his consumption of public services during his lifetime.

It is important to note that these estimates, in accordance with standard fiscal practice, are discounted at an annual rate of 3 percent a year to reflect the fact that dollars lost or gained in the future are less valuable than dollars today. This means the negative fiscal effect from immigrants that occurs in the short and medium term is weighted more heavily than the positive effect that is projected to come after 22 years. But there is great uncertainty about the future structure of the economy, tax rates, public expenditures, and the economic progress of immigrants and their American-born children. The NRC study's long-term, multi-generational projections make certain key assumptions about the future. For example, the study assumes that, because the current rate of growth in spending on Medicare, Medicaid, and Social Security is unsustainable, the entitlement crisis will be solved in the year 2016 by an even split of tax increases and spending cuts. If this assumption turns out to be wrong, the study concludes that immigrants and their descendants will be a fiscal burden in the next century.

Not surprisingly, the study also found that the fiscal effect of an immigrant depends heavily on his skill level and earnings. Immigrants who have few years of schooling are always a net burden. In contrast, skilled immigrants are almost always a net benefit. The reason for this is simple. Individuals, immigrant or native, with few years of schooling tend to have low earnings and, therefore, pay less in taxes on average and use more in public services. Thus to reduce the fiscal burden from immigration, we must select immigrants with more education and higher earnings.

Costs versus benefits

The combined economic and fiscal effects of immigration in the NRC study point to a fundamental dilemma. The *economic* benefit from immigration comes from the fact that immigrants are significantly less skilled than natives. The resulting shift in the relative supply of labor is what causes the wage reductions

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that, in turn, generate the net gain for employers and others. But unskilled immigrants also have a negative *fiscal* impact. In other words, it is precisely those workers who create the economic benefit who are responsible for the fiscal burden.

This paradox makes it difficult for a society such as ours, with a well-developed state and extensive social programs, to benefit from immigration. Of course, if we were to reduce the size of government at the state and local level, then perhaps the country could benefit economically from immigration without creating a fiscal burden. The cuts would have to come in such areas as education, law enforcement, and infrastructure maintenance, because this is where state and local governments spend most of their money. But, even assuming that such cuts are desirable, they remain politically unlikely. A second possible solution would be to cut immigrants off from as many public services as possible. However, this too seems neither desirable nor likely.

More important, neither of these solutions gets at the real issue. Immigrant use of federally funded welfare programs, though higher than that of natives, has little to do with the fiscal burden they create at the state and local level. That burden is caused primarily by their lower incomes and the resulting lower tax payments.

A question of policy

The findings of the NRC study basically tell us this: We can now say with confidence that immigration is not the benefit to the economy that it was once thought to be. While the overall economic impact of immigration is modest, the effect on the unskilled and on taxpayers in high-immigrant states is substantial. We should, therefore, change our immigration policy not because the negative effects are so large for the country as a whole but because they are so concentrated.

The most important policy reform would be to give greater weight to immigrant skills as criteria for admission. At present, roughly 70 percent of legal immigrants entering each year do so because they are related to a U.S. citizen or a legal permanent resident (legal immigrants who have not become citizens). The rest consists of employment-based immigration, which accounts for about 13 percent, humanitarian-based im-

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migration (refugees and asylees), which is slightly smaller in size, and a visa lottery that gives away 55,000 visas a year to persons who mail in a post card and "win" the opportunity to come to the United States. With the exception of employment-based immigrants, who are allowed entrance because they are thought to have needed talents or skills, over 85 percent of legal immigrants are granted admission without regard to their likely economic or fiscal impact.

The bipartisan U.S. Commission on Immigration Reform, headed by the late Barbara Jordan, recognized the need to increase the skill level of entering immigrants. It suggested limiting family immigration to the spouses, minor children, and parents of citizens and the spouses and minor children of legal permanent residents. This would eliminate the preferences now in the law for the brothers, sisters, and adult children of citizens and the adult children of legal permanent residents. A strong case can also be made for eliminating the current preferences for the spouses and minor children of noncitizens, since these provisions apply to family members acquired after the alien has received a green card but before he has become a citizen. Reforming family immigration in this way would not only reduce unskilled immigration immediately but would also help cut off the chain migration that occurs as the spouses and siblings of those admitted in these categories petition to bring in their relatives. The commission also wisely suggested eliminating the visa lottery and tightening up the requirements for employment and humanitarian-based immigration. If all of the above measures were implemented, the overall level of legal immigration would likely fall to less than half its current level within a few years.

But, even with these changes, the United States would still continue to admit far more immigrants than any other country. Thus we should also do more to fight illegal immigration. This is undoubtedly the lowest-skilled flow of immigrants, with at least 75 percent lacking a high-school degree. It is estimated that one-third of the immigrant high-school dropouts holding jobs in the United States are illegal aliens. While border control is important, there is broad agreement among those who study illegal immigration that denying illegal aliens access to jobs offers the best hope of stemming illegal immigration. There-

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fore, implementing a system of employment verification and hiring more inspectors to ensure that the law against hiring illegal aliens is enforced should be made a top priority.

Cuts in legal immigration would also be helpful in reducing illegal immigration because the two are so closely linked. As the annual level of legal immigration has grown, illegal immigration has also grown proportionally. Communities of recent legal immigrants serve as magnets for illegal immigration by providing housing, jobs, and entree to America. In fact, 25 percent of legal immigrants admitted each year are illegal aliens using a provision in the law to "adjust" their status. Any serious attempt to control illegal immigration will have to deal with this fundamental reality.

Basic distinction

Finally, in formulating an *immigration* policy that makes sense, it is important that it not be confused with *immigrant* policy. Immigrant policy is concerned with how we treat foreigners living in the United States. Barring legal immigrants from using some federally funded welfare programs, as Congress did in 1996, is an example of a change in immigrant policy—a change that was neither effective nor fair. Immigration policy, in contrast, is concerned with the question of who may come and how many. And it is here that the changes are needed. Polls repeatedly find large majorities of Americans in almost every demographic group in favor of significant cuts in legal and illegal immigration. Tapping into the broad public anxiety over immigration would likely be politically popular, as long as it did not scapegoat immigrants or confuse immigrant and immigration policy.

Unfortunately, the failure to make such basic distinctions has allowed an odd, but formidable, coalition of pro-immigration interest groups—including ethnic advocates, elements of the business community, libertarians, and the far left of the Democratic party—to dominate the immigration debate. They have been very effective in preventing changes in immigration policy which would better serve the country's interests. If we are unwilling to change immigration policy, then we ought seriously to consider doing more to help those harmed by it. Anything less would be unjust and unwise.

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The limits of campaign spending limits

STANLEY C. BRUBAKER

POLITICAL indignation engenders constitutional excess. Such was the case in 1974 when Congress, hot with anger over Watergate, delivered a beating to First Amendment rights with a set of new provisions to the Federal Election Campaign Act (FECA). The original 1971 act had already set limits on how much of his own money a federal candidate could spend on his own campaign. The new provisions limited how much that campaign as a whole could spend as well as how much any individual or organization working independently to promote a candidate could spend. But, in the 1976 case of *Buckley v. Valeo*, the Supreme Court declared each of these limits on campaign spending unconstitutional.

The *Buckley* court drew a sharp distinction between FECA's limits on campaign spending and its limits on campaign contributions. Contributions, the Court reasoned, convey only a "general expression of support" for a candidate, so limits to them pose no grave threat to free speech (as long as the limits are not so stringent as to prevent one from "amassing

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the resources necessary for effective advocacy"); further, the danger of corruption or the appearance of corruption posed by unlimited contributions the Court thought insignificant. Accordingly, it upheld FECA's limits on contributions to campaigns, parties, and political action committees (PACs).

Limits on spending, the Court argued, were an entirely different matter. By restricting how much money an individual, group, or campaign could spend, these laws would restrict "the number of issues discussed, the depth of their exploration, and the size of the audience reached." Further, "these restrictions, while neutral as to the ideas expressed, [would] limit political expression 'at the core of our electoral process and of the First Amendment freedoms.'" Finally, "corruption," the rationale by which the Court upheld limits on contributions, holds little meaning for spending. A candidate cannot corrupt himself by contributing generously to his own campaign. Nor can a campaign corrupt itself by spending a lot of money. And it is barely more plausible to imagine that an individual or group, working independently of the candidate without any coordination of strategy, could corrupt the candidate by advocating his election.

Perhaps anticipating the Court's rejection of the corruption rationale, the government had offered another: Spending limits, it argued, were necessary to "equalize" the ability of individuals and groups to influence the election. This the Court quickly dismissed: "The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed to secure 'the widest possible dissemination of information from diverse and antagonistic sources,' and 'to assure unfettered interchange of ideas.'" On this general point, only Justice White dissented.

The reformers' brief

Today, in the wake of assorted abuses in the 1996 elections, so-called reformers seek to rekindle the scattered embers of cynicism and distrust into a fiery indignation that will sweep in a new regimen of campaign-finance laws. *Buckley* stands as a firewall, limiting such efforts. Some reformers hope to slip past the ban on spending limits by following a

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route opened by *Buckley* itself when it upheld the system of public funding for presidential elections; that is, though spending limits may not be imposed, candidates may choose to accept them voluntarily—in exchange for certain benefits. Thus, in the legislation urged by Senators John McCain and Russell Feingold, candidates were to be bribed with free TV and postage into accepting spending limits.

But, for more ardent reformers, such proposals are tepid; real change requires the elimination of *Buckley* and its ban on spending limits. That can be achieved in only two ways. One is to change the Constitution. This is the strategy pursued by Senate Minority Leader Tom Daschle and House Minority Leader Richard Gephardt, both of whom made a constitutional amendment permitting Congress and the states to set "reasonable limits" on campaign spending one of their top priorities in the 105th Congress. (It was solidly defeated in the Senate 38 to 61 and appears unlikely to come to the floor in the House). The other is to have *Buckley* overruled as wrongly decided.

The effort to reverse *Buckley* has an extended front. Attorneys General and Secretaries of State representing 33 states have joined as amicus curiae in a pair of Ohio cases meant to challenge *Buckley*. Joining them are the National Voting Rights Institute in Boston and the Brennan Center for Justice at New York University Law School, both of which are also devoting substantial resources to turning the public against *Buckley*. Over 200 law professors have also signed a petition sponsored by the Brennan Center declaring that *Buckley* was wrongly decided. Even the Clinton administration—giving fresh currency to the old adage that when you're about to get run out of town on a rail, dash to the front and make it look like a parade—has decided, according to the *New York Times*, to ask the Court to reverse *Buckley*.

The tenor, factual premises, and philosophical bearings of this assault on *Buckley* are epitomized in what has become a galvanizing article, "The Curse of American Politics," by legal philosopher Ronald Dworkin. Published in the *New York Review of Books*, in 1996, and widely disseminated by the Brennan Center, the article made several claims, most rather familiar: Today's unlimited campaign spending generates a

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relentless pursuit of money by politicians, a vast inequality of influence, and a grossly unfair advantage to candidates able to raise lots of money (usually incumbents) or to wealthy candidates able to use their own resources. Thus bad candidates or ideas beat out good ones because the former are heavily bankrolled.

Further, the indictment continues, unlimited spending lies at the root of other problems plaguing American democracy: "Negative, witless, and condescending" campaign ads result from too much money in the hands of candidates. If candidates were sharply limited in their spending, they would have to rely on reporters or events sponsored by nonpartisan groups to get out their message. This plague afflicting American politics can be lifted, Dworkin concludes, only if *Buckley* is reversed. And it should be, he and his fellow reformers argue, because the case was based on a misunderstanding of the fundamental premises of the First Amendment as well as American democracy.

But Dworkin's call, as well as that of others, for campaign-spending limits, relies on a simplistic and distorted view of the role money plays in American politics. Worse, it would insinuate a pernicious premise into the very foundations of our constitutional system.

The cost of campaigns

Do campaigns cost too much? Campaign costs have indeed risen rapidly over the last several decades. For federal elections, the expenditures grew, in constant dollars, two-and-one-half fold in the two decades prior to the FECA laws of 1974 and an additional threefold in the two decades following it.[1] As the figures suggest, the rise has been fairly long term, but it has not been constant and has never been "out of control," at least no more than it has been in the past. Campaigns are contests, after all, and contestants have always sought the most

[1] Calculations are made from data in *Buckley v. Valeo* and statistics of the Federal Election Commission. Unless otherwise indicated, campaign data in this essay have been taken or calculated directly from the Federal Election Commission, the Center for Responsive Politics, and Norman J. Ornstein, Thomas E. Mann, and Michael J. Malbin, *Vital Statistics on Congress 1997-1998*.

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effective way of gaining the voters' assent, even when this borders on the distasteful. Thus James Madison found it necessary to open the customary rum keg in his election to the state legislature; Whigs to appeal to the less educated voter in their contests with Jacksonian Democrats; and all presidential candidates since Woodrow Wilson to "run" for president rather than to "stand."

Several factors lie behind the escalating costs of elections, most notably the growth in voting population (up 39 percent since 1974), the expanding scope of government, the increasing level of competition in the races, and the changing means and conditions of effective campaigning. For the better part of the twentieth century, the scope of government has grown considerably, affecting an increasing number of interests. As a result, the stakes are greater, as are the differences between the parties and the candidates. In the last several years, the competitiveness of electoral contests—surely a sign of health in a democracy—has also increased. This was especially the case in 1996, since the Democratic lock on the House of Representatives had been broken, as had the Republican lock on the presidency.

Equally important have been the costly advantages afforded by radio and television advertising, the reliance on direct mail, and the supplanting of party volunteers by expensive professionals. Not only are there fewer volunteers to ring doorbells, but home dwellers today are less likely to welcome strangers at the door who tell them how they should cast their ballots. Ads and mailings, while perhaps not always welcome and certainly more expensive, are less irksome. Further, a candidate's ads must compete not only with those of his opponent but with the plethora of commercial and other nonpolitical ads that flood the mail and airwaves, each one pleading for attention. Simply to be noticed against this general din is an expensive undertaking. Finally, it costs money to raise money and to comply with the myriad rules and regulations now surrounding campaign finance. None of these more expensive methods of campaigning would be used if experience had not taught that they work in gaining the voter's support.

All told, $2.2 billion dollars were spent in the 1995-96 election cycle in campaigns for the House, Senate, and presi-

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dency.[2] That's a lot of money, but in what sense is it too much? It's less than half of what Americans spent on perfume and cologne over the same period. It equals $11.25 per eligible voter for the two-year election cycle. If recent patterns hold, it's comparable to what other democracies spend either on a per voter basis or as a percent of Gross Domestic Product. But most importantly—setting aside corporate and union contributions to "nonfederal," i.e., soft-money, accounts—it is no more than what individuals, on a voluntary basis, acting alone or through PACs, under the limits established by FECA, have decided to make available to the candidates.

Starved for funds?

Though the "costs too much" thesis is hard to credit in itself, it is used by reformers as the basis for several more plausible charges: Desperate for cash, candidates become vulnerable to, and hence corruptible by, well-endowed special interests; they are forced to spend too much time raising the necessary funds; good people with good ideas are discouraged from running; and wealthy candidates gain an unfair advantage.

Setting aside for the moment the "vulnerable/corruptible" charge, we acknowledge the seriousness of the other problems. They appear to result, however, not from too much money but too little—more specifically, from restrictions in the supply of campaign funds imposed by FECA reforms. By these rules, unchanged since 1974, an individual can contribute only $1,000 to a candidate per election, and a PAC can give only $5,000. Given that the average successful candidate for Congress spent $673,500 in the 1996 elections, it is not

[2] This figure comes from the Center for Responsive Politics. The higher figure of $2.7 billion, often quoted in the media, apparently derives from a raw summation of data supplied by the FEC, not taking into account the double counting that occurs—e.g., when one adds expenditures by PACs, which include their contributions to candidates, with expenditures by candidates, which include the PAC contributions. The $2.2 billion includes soft-money expenditures by the parties (which, as explained below, are technically supposed to aid state and local candidates), but not expenditures for issue ads run by organizations other than the parties (for which disclosure is not legally required). Despite their notoriety, issue ads on TV and radio were estimated by the Annenberg Public Policy Center to have totaled no more than $150 million in the 1996 election, $78 million of which was accounted for by the political parties. Issue ads run by organizations other than parties thus amounted to only 3.3 percent of the total federal campaign expenditures.

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surprising that candidates complain of having to spend too much time on the rubber-chicken circuit raising money. Likewise, good people stay out of politics not so much because of the absolute cost of a campaign as the onerous burdens of raising money in this manner.

Similarly, the current advantage enjoyed by wealthy candidates may result less from the high costs of campaigns than the difficulties less affluent candidates face in raising funds. Were it not for the contribution limits of 1974, it has been widely remarked, publisher Steve Forbes, a political novice, might well have placed his considerable sums behind former congressman Jack Kemp rather than his own candidacy in the 1996 presidential contest. Contrast this contemporary regimen of contribution limits with the prereform days, when Senator Eugene J. McCarthy mounted his historic challenge to President Lyndon B. Johnson in the spring of 1968. McCarthy had not needed to canvass the nation for small contributions during the preceding years. And, in any case, Johnson's policy in Vietnam was not at that point objectionable to McCarthy. As it happened, McCarthy gained the backing of Stewart Mott (heir to the General Motors fortune) and Jack Dreyfus, Jr., (a Wall Street banker) whose hefty donations allowed him to get his message out in New Hampshire, delivering a mortal electoral blow to the president.

Inflation provides further reason to believe that the problems result from restrictions in the supply of money, not an "excessive" demand for it. General inflation has reduced the value of contributions to less than a third of what they were worth in 1974; just to keep even, individual contribution limits would need to be raised to $3,000 per election, and PAC contributions to $15,000. But, in addition to general inflation, there has been a more specific campaign inflation. If we use the standard "basket of goods" concept to measure inflation and consider the basket in question to contain a winning campaign for a seat in the House of Representatives, we find that campaign inflation has itself reduced the value of a contribution to roughly a fourth of what it was in 1974. Combining general inflation with campaign specific inflation, we find roughly a twelvefold increase in the cost of campaigns. Thus what $1,000 contributed to a successful House campaign in 1996, as a fraction of that campaign's total cost ($673,500),

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took only $83 to provide in 1974 (when such a campaign cost $56,500); or what a $1,000 contribution provided in 1974 would take $11,900 to provide today. Though one would be rash to conclude that raising money for a winning campaign has become nearly 12 times more difficult than it was in 1974, one would be willfully blind to ignore restrictions on the supply of money as a source of our problems.

Indeed, it is in light of the restrictions on the supply of money within the system of regulated contributions that we should understand the feverish search for "loopholes," especially soft money.[3] Though soft money accounts for only 12 percent of total campaign expenditures, it underlies virtually all the alleged abuses of any moment in the 1996 elections. The magnitude of many of these contributions, as well as the manner of their solicitation, might justify a limited reform. But the critical point is that this money assumed the unusual importance it did largely because of the difficulty of raising money under the FECA rules.

Does money buy elections?

What of the claim, set aside above, that money corrupts politicians made vulnerable by the high cost of campaigns? Reformers assume that money buys elections and influence. This claim might appear to have merit. Consider, for instance, the following figures released by the Center for Responsive Politics the day after the 1996 elections: The candidate who spent more money won nine times out of ten in the House of Representatives; eight times out of ten in the Senate. The figures are even more impressive for incumbents. Those who spent more than their opponent won in 95 percent of the races in both the House and the Senate. And in open seats, the top spender still won twice as often as the lower spender.

[3] Technically known as "nonfederal" money because the funds are supposed to benefit state and local, rather than federal, candidates, soft money falls outside the FECA regulations in the sense that contributions are unlimited and the sources prohibited from contributing to federal candidates (banks, corporations, and labor unions) may give to these accounts. The money, however, does not fall outside the purview of FECA in the sense that the money may only be used for generic party ads, voter registration, and get-out-the-vote drives. Further, it may only be used when blended with hard money according to complex formulas designed by the FEC to reflect the benefit going to state and local, as opposed to federal, candidates.

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On closer examination, however, there is reason to doubt that the influence of money is either as decisive or sinister as the reformers would claim.

While it is impossible to sort out with precision the independent effect of money among the many other factors affecting congressional elections—e.g., the issues, the quality of the candidates, political parties, state of the economy, incumbency, scandals, and so forth—there can be no doubt that money helps. Indeed, as the *Buckley* Court pointed out, political speech, effective campaigns, and hence self-government would be impossible without it. But the lines of causation are complex and the magnitude of impact varied. For simplicity, I will focus on the House, since the uniform size of its electoral districts, biannual elections, and larger number of seats makes for better comparisons.

To begin with, while money helps to create a strong candidacy, it is the strong candidate who attracts money. A person of intelligence, accomplishment, and political experience, attractive and well-spoken, able to communicate a clear vision that connects with the hopes, fears, and aspirations of the electorate—such a person will attract financial support for many of the same reasons that he or she is likely to attract votes. In a study of challengers in the 1978 House elections, political scientists Donald Philip Green and Jonathan S. Krasno developed an eight-point scale based on such considerations as whether the candidate had previously run for or held political office, whether he was a celebrity or well-connected politically. The authors found a robust relation between the quality of a candidate and his ability to raise money. Challengers with quality scores of 6 or 7 (none in their study attained an 8) were 15 times more likely to raise over $100,000 than those with scores of 0 or 1. (For context, it should be noted that the average incumbent spent $110,000 on his campaign in 1978.) Conversely, of those who rated 6 or 7, not one raised less than $10,000, while such was the case for nearly half of those rating 0 or 1.

If we define a strong candidate as one most likely to win election to the House, we are talking primarily not about challengers, of course, but incumbents—over 90 percent of whom typically win reelection. Since incumbents also outspend their opponents by large margins—nearly three to one over

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the last decade—reformers conclude that money buys elections. The candidates are "strong," they would claim, primarily because they can outspend their opponents.

In fact, the evidence indicates that the strength of the incumbents has little to do with money. House incumbents were winning elections in excess of 90 percent well before expensive campaigns became a prominent feature of American politics (the incumbent reelection rate averaged 91.7 percent from 1950 to 1970). Quite apart from their ability to raise money, incumbents hold several electoral advantages over challengers, including their ability to send mail free to their constituents, provide them with services and "pork," develop friendly relations with the local media (which unlike the national media, rely on their own congressmen for newsworthy stories), and gain publicity by sponsoring legislation and conducting investigations.

Further, although incumbents raise and spend a lot more money than challengers, it doesn't seem to help them all that much. Campaign efforts, whether monetary or otherwise, are not immune to the law of diminishing returns. Most incumbents enter their campaigns with so much publicity and good will already gained by simple virtue of their incumbency that the additional benefits of campaign spending are small. Indeed, some incumbents spend remarkably little in winning. Congressman William Natcher spent next to nothing on his elections over the 40 years that he represented Kentucky ($6,609 in his final election in 1992). Senator William Proxmire did spend nothing in his final election, in 1982, and only $697 in his preceding election. Few, of course, are willing to go that far in testing the advantage of incumbency. And their reluctance is not irrational. A large "war chest," itself an indication of electoral prowess and prestige, might scare away challengers. And even though the marginal return in electoral support may be slender for the last dollars spent, this may well be the margin of victory in a close race.

Campaign money is worth far more in the hands of challengers, who need it to gain name recognition and positive publicity. Though challengers need money more than do incumbents, they have more trouble raising it. Part of the difficulty comes from the mediocre quality of many challengers.

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But even a quality challenger will find it hard to gain enough money to run a credible race against an incumbent. While people often give a candidate their vote regardless of his chances of victory, they are more reluctant to give him their money unless he has a decent chance of winning. Thus a vicious cycle sets in: Quality candidates become reluctant to challenge the incumbent, because the grueling sacrifices of fundraising and campaigning are unlikely to be rewarded with victory. Weaker candidates are set in their place; yet they attract even less money; and their weaknesses only serve to increase the incumbent's margin of victory, making it even less likely that first-rate candidates will challenge the incumbent in the future. Disclosure laws add further spin to the cycle, as would-be backers are deterred from advertising to an incumbent their support for a challenger.

Thus we can see that the money-buys-elections theory is not only simplistic but that the proposed "solution" of limiting spending would be perverse. Because money is worth so much more in the hands of challengers, limits on spending (unless set so high as to be ineffectual) would almost certainly further ensconce incumbents. Competitive elections can be furthered by freeing the flow of money to challengers, not by constraining it.

Does money buy influence?

But if the "money buys elections" thesis is simplistic and the solution of limits perverse—at least as far as furthering competition for office—what about the claim that "money buys influence"? To make their case, reformers point to the many instances where a congressman votes in a way that furthers the interest of a group that has contributed financially to his campaign. From this, they infer that votes follow money, that money buys influence. But logically, the relation could be the reverse; the money could be following the votes. That is, the contributors could be helping the congressman who favors their cause for reasons independent of the contribution—e.g., the interests of his constituency, party politics, personal philosophy, or political ambition.

If we look more closely at the evidence, we see that "political support," rather than "influence buying," best explains

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contributions. Most money for House candidates (and even more so for Senate candidates) comes from individuals. We know something about who gives—they tend to have higher levels of education and higher incomes; they are more interested in politics, and more likely to see distinctions between the parties than the average American—but we know little about their motivations. We do know that in 1996 small donations (giving less than $200) accounted for a larger share of total federal campaign contributions than did large donations (30.6 percent versus 25 percent), though in the House and Senate races, large donations typically edge out small ones. Since the maximum that an individual may contribute to a candidate is $1,000 per election—or $2,000 per election cycle (primary plus general election)—a so-called large donor could contribute less than one-third of 1 percent of the funds for a winning House race and only four one-hundredths of 1 percent for an average winning Senate race. At that rate, motivations for buying influence are implausible or deluded. Thus, as an ongoing study by political scientists John Green, Paul Herrnson, Lynda Powell, and Clyde Wilcox shows, donors are far more likely to give for ideological reasons.

We can speculate somewhat more confidently about the motivations of PACs, focusing on ideological, labor, corporate, and trade-association PACs. Ideological PACs, of course, give almost entirely to back their friends, not to woo their enemies; indeed, they raise money largely by showing how evil the latter are. Labor PACs too give almost entirely to those with whom they are ideologically attuned. (The $35 million that the AFL-CIO spent attacking 75 House candidates indicates labor's preferred method of dealing with those they oppose.)

With corporate and trade-association PACs, the story is more complicated. Although there is considerable diversity among these PACs, one would expect them to align more with Republicans than Democrats—and, with open seats, that is nearly always the case. But since the early 1980s, among incumbents, these PACs typically favor the party in charge. This is especially true in the House, where in every election from 1978 until 1996, save one (1982), corporate and trade-association PACs gave more to Democrats than to Republicans. When the Republicans took charge of the House after

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the 1994 elections, corporate and trade PACs adjusted accordingly, but not without significant hedging as they tried to anticipate the next election. Thus, when Republicans were saddled with the blame for the government shutdown, the flow of money began to revert toward the Democrats, only to shift again as the election neared and the GOP's prospects began to brighten.

In this instance, where some distance separates how the congressman might otherwise behave and how the contributor wishes him to behave, there is room for "influence peddling." But who is influencing whom? Though journalists casually throw out the terms "bribery" and "extortion," we should note that these terms point in different directions of influence. In the case of bribery, the contributor has the upper hand; he has the money that the congressman needs and, in exchange for it, gains a benefit that otherwise would not be his. In extortion, it's the congressman who has the upper hand; he has the power to harm an interest, which he will refrain from doing in exchange for a contribution. Though neither of these terms is likely to be appropriate for any but a handful of the thousands of contributions made each year, we might imagine them to occupy the extremes on a continuum that has as its center a point where money would have no effect on public policy. We might ask then, who has the upper hand in the exchange? In which direction does the influence arrow point?

Incumbents typically wish to raise money and lots of it. Though they need the money less than the challengers do, it is not irrational for them to build campaign war chests. At the same time, since the election is basically theirs to lose, and since contributors are to be found on practically any side of most issues, incumbents can easily develop a "diversified" portfolio of contributors, remaining beholden to none. The relative weakness of corporate and trade-association PACs, as well as their fear of incumbents, can be seen in the meager support they gave Republican challengers when the Democrats were in charge of the House. Remarkably, the contributions of such PACs to Republicans never rose above 4 percent of their total House contributions from 1986 to 1992. Indeed, as political scientist Michael J. Malbin has argued, the case for limiting

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campaign contributions makes the most sense as a means of protecting groups and individuals from pressure by office holders who bear the powers of sword and purse, rather than as a means of preventing contributors from corrupting politicians.

Consider also the motives of congressmen. Few, of course, fail to place a premium on reelection, but the real currency of elections is votes, not money. Money becomes important only if it helps bring in votes. Too much money from the wrong source can even cost votes. An interest representing voters speaks more directly to the congressman's concern for reelection than one representing mere money. Also, most congressmen have aspirations beyond keeping their jobs (there are certainly far easier ways to earn a living): They seek status (and don't wish to be known as the lackey of this or that interest); they seek power on Capitol Hill and good committee assignments (and thus listen to cues given by party leaders); and, contrary to prevailing cynicism, they wish to make what they consider good public policy.

A study by economists Stephen G. Bonors and John R. Lott, Jr., confirms this. They examined the votes of members of the House who had announced the end of their political careers. What they wanted to discover was whether politicians who no longer needed to attract campaign funds changed their voting patterns for the remainder of their time in office. They did not.

Indeed, political scientists consistently find that the interests of constituents, the concerns of political parties, and the politician's political philosophy have more influence on how he votes than do mere campaign contributions. When these other concerns are not present, the statistical correlation between contributions and votes remains relatively small.[4] And even here, it is not clear what independent effect the money is having since the same groups that contribute money also typically shower the congressman with letters, calls, press releases, and policy papers.

And finally, what of the claim, also made by Dworkin, that

[4] Of course, contributions could have an impact on matters short of roll-call votes—for example, access to the congressman, posing of questions at hearings, sharing useful advice and privileged information, and contacting an executive agency. Research has yet to be done on these questions. Nonetheless, the matters in question are fairly small, and there is little reason to believe that money would outweigh the concerns of constituency, party, and philosophy.

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money is the "root of other problems," in particular, the tendency of candidates to "go negative"? When candidates and their campaign managers employ comparative or negative advertising, they do so for one reason: They think that it works—and often they are right. Whether it is because of our fallen nature, or an inbred trait useful in the perpetuation of the species, or an acquired characteristic, our attention is more readily seized by depictions of vice than of virtue. So negative advertising will continue unless the public turns against it—an end toward which limiting campaign expenditures is unlikely to contribute. With less money, campaigns will rely even more on what is most cost-effective, and that is likely to be negative advertising, especially for challengers.

Further, more high-minded sentiments are unlikely to flow from the reporters into whose hands reformers wish to entrust a greater share of campaign information. News media are hardly immune to the same temptations that lead candidates into negative campaigns. Bad news sells. Reporters, in fact, seem even more willing to go negative than the candidates. In *Good Intentions Make Bad News*, a study of TV coverage of the 1992 campaign, media analyst S. Robert Lichter found that the networks were 40 percent more likely to cover negative ads than the candidates were to run them.

Dworkin's new constitutional order

Limiting campaign spending, in short, is a solution in search of a problem, a "solution" likely to entrench incumbents further and to accentuate the negative in campaigns. Far more ominous, however, are its implications for free speech and the character of the American Constitution.

Dworkin's argument against *Buckley* runs as follows. Free speech in a democracy, properly understood, rests on two principles: The first is that the people must have the final authority, and therefore government must not be able to restrict "the character or diversity of political opinion the people may hear or the range of information it may consider." The second is that "citizens must be able, as individuals, to participate on equal terms in both formal politics and in the informal cultural life that creates the moral environment of the community." Restrictions on campaign spending violates

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neither of these, so why did the Court find them unconstitutional? Because, even though it "conceded" that limits would be "fairer" to poor candidates, the Court invoked another, and to Dworkin a more dubious principle of democracy, namely that (in his paraphrase), "any legal limit on how much politicians can spend necessarily diminishes the overall *quantity* of political speech, and violates the First Amendment for that reason" (his emphasis).

The principle of quantity is dubious, Dworkin argues, because it amounts to a mere right of repetition and serves as the tool by which the rich gain unfair advantage. As long as a candidate is allowed to spend enough to get out his basic message in a manner sufficient for an interested party to hear it, mere repetition will not "improve collective knowledge" nor advance "the search for truth and justice." The principle of quantity, he acknowledges, can be cast in the more appealing garb of "individual choice," as the *Buckley* Court did when it stated, "In the free society ordained by our Constitution, it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign." Though more appealing, individual choice, to Dworkin, is no more persuasive, as it ignores the unjust distribution of wealth in America's market economy and—since "money dominates politics"—the capacity of the rich to exercise undue influence.

In fact, restrictions equalizing spending are not only permissible, Dworkin claims, but virtually mandated by our constitutional system—properly understood. According to him, the concept of equal participation essential to democratic free speech has two aspects: One is his familiar, long urged principle of "equal respect," according to which government must never suppress speech "on the ground that the convictions or tastes or preferences it expresses are unworthy or degraded or offensive." The other is his more recently discovered principle of "equal command," according to which citizens must be rendered "equal in their own ability to command the attention of others." When the *Buckley* Court reasoned that the concept of equalizing speech "is wholly foreign to the First Amendment," it ran afoul of this second principle. In Dworkin's view, such

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equalizing restrictions on speech are not only constitutionally allowed but "essential conditions of fair political engagement, and hence of self-government, for all."

Misleading, unsound, unconstitutional

Of the several problems with Dworkin's account, I wish to highlight three. First, his argument is misleading, to say the least, in claiming that the *Buckley* Court "conceded" that to equalize spending would create a fairer system. No where did the Court make such a concession. Quite to the contrary. Given the limitations on contributions, the Court reasoned that "the financial resources available to a candidate's campaign, like the number of volunteers recruited, will normally vary with the size and intensity of the candidate's support." For this reason, it insisted, "There is *nothing invidious, improper, or unhealthy* in permitting such funds to be spent to carry the candidate's message to the electorate" (emphasis added). Moreover, the Court observed, the equalization of spending "might serve not to equalize the opportunities of all candidates, but to handicap a candidate who lacked substantial name recognition or exposure of his views before the start of the campaign."

Second, Dworkin's distinction between the basic message or character of a speech and its "quantity" is unwieldy and unsound. By his first principle, a limit on speech presents a constitutional problem if it restricts "the character or diversity of political opinion." If a candidate is repeating a message that an audience could have heard before, this principle offers no protection. Constitutional law recognizes no such doctrine of "quantity," of course, and it is hard to imagine how it could be rendered workable. The *Buckley* Court, for instance, alluded to the inextricable link between questions of quantity and kind when it stated that a limit on spending would reduce "the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached." Imagine courts attempting to deal with the myriad questions that would arise under Dworkin's quantity doctrine. How much money is necessary for a candidate to make his message available? What of the enormous regional variation in the costs of communication? What of a campaign

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that involves more issues than average, or issues of greater complexity, or issues of special interest to select groups? How easy should it be for an individual to gain the information relevant to his voting decision? What of the differences in name recognition between a celebrity and a good, but unknown, candidate?

Apart from the unworkable nature of such a doctrine, its worth must be seriously questioned. Political speech in democratic government requires more than the presentation of information and arguments. Political speech seeks to persuade others, and persuasion involves repetition. The civil-rights movement, for instance, repeated continuously a basic message. By 1962, what American had not heard the message of "We Shall Overcome"? Why would we want a doctrine under which the government could say, in effect, "Okay, enough already! You've exhausted your quota of speech"? Further, given the lack of knowledge concerning such basic issues as who the candidates for major office are, it is far from clear that there is too much repetition in our campaigns. Dworkin himself, while decrying in his essay the millions being spent by Robert Torricelli and Dick Zimmer in their 1996 race to succeed Senator Bill Bradley, mistook which candidate was the Republican and which the Democrat.

Third, Dworkin's "equal command" principle is indeed, as the Court indicated in *Buckley*, "wholly foreign" to our constitutional system. To appreciate the scope of Dworkin's principle it is important to note that he does not rely on the common but inane criticism that *Buckley* equated money with speech. To his credit, Dworkin has no quarrel with *Buckley*'s observation that since political speech requires money, to restrict money spent on speech is to restrict speech. But his honesty renders all the more grim the implications of his principle; for Dworkin knows full well that what he restricts is speech itself.

Under Dworkin's dispensation, campaign law would be transformed. Congress would be free to restrict how much is spent by a congressional campaign. And since congressmen put a premium on reelection, they would probably set limits sufficiently low to make it difficult, if not impossible, for challengers to neutralize the advantages possessed by incumbents.

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(In 1996, the successful challenger for a seat in the House of Representatives spent, on average, over a million dollars.) Congress could make those limits nominally "equal" on a national basis and ignore the enormous regional variation in the costs of campaigning (for example, that radio air time costs 10 times more in New York City than it does in Little Rock, Arkansas). Or Congress could develop some complex formula for a more "equitable" equalization, enforced by an equally complex bureaucracy.

But whatever limits Congress may set to make them effective, and whether the funds would be supplied from public revenue or private donations, further restrictions would become necessary, and old constitutional protections would fall. For example, it is now a constitutionally protected right for individuals, PACs, and parties to advocate the election or defeat of candidates, without monetary limits, as long as they do not coordinate the ads with the candidates. If there is no coordination, the Court has reasoned, there can be no corruption. But for Dworkin, this lack of coordination would provide no defense; by allowing more to be said in favor of one candidate than another, these "independent expenditures" would threaten equality. It is also a constitutionally protected right to advocate political issues without falling under FECA's jurisdiction, as long as one does not explicitly urge the election or defeat of a candidate. (What could be closer to the heart of democracy?) But, under a regime of equal command, all the fine distinctions courts have made between the advocacy of issues versus the advocacy of candidates would become irrelevant.

In fact, elections appear to be only the starting point, as Dworkin's principle extends to one's "interests and convictions" as well as to one's preferred candidates. Why then could government not require the equalization of expenditures on all political issues? There are a variety of ways in which an equal command regime could be administered. One could imagine, for instance, a Commission of Equality, which could allocate fixed annual amounts for expenditure on political issues, with harsh penalties for anyone spending in excess of his or her quota. And whether these allocations were large or small would largely be a matter of constitutional indifference. Having defined free speech in terms of equality, Dworkin pro-

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vides little reason for objecting to its suppression—as long as that suppression is equal.

Yet equal command extends further still. As he elaborates in his recent collection of essays, *Freedom's Law*, the First Amendment's egalitarian role should not be confined to political speech. Our lives are affected as deeply, and even more comprehensively, by "the mix of social conventions, opinions, tastes, convictions, prejudices, life styles, and cultures" that make up what he oddly calls our "moral environment." Odd in the sense that the morality of this environment has nothing to do with virtue, but only with equality. Thus equality of respect in this environment requires that we protect the right of pornographers to hawk their wares equally with the right of thinkers to promote their ideas. And equality of command requires that individuals be able to participate with equal capacity to shape "the informal cultural life that creates [this] moral environment."

Of course, money is as important to what gets said in our cultural life as in our political life. Money determines what goods are produced, what magazines are available, what films are distributed, what tastes are satisfied, what lifestyles are encouraged—for that is the very principle of a market economy. If we are to satisfy the principle of equal command in the creation of our "moral environment," we must, it seems, mandate an equalization of resources, with perpetual redistribution by the hands of the state. (As in fact, Dworkin has urged in a 1981 article in *Philosophy and Public Affairs*.) Only where the government can command and control the economy, and thereby control virtually all our liberties, can it ensure an equal capacity to "command the attention of others."

The Madisonian solution

Just *how* foreign the regime of equal command is to our constitutional system becomes apparent when placed aside the design of James Madison, who shared the reformer's concern with "undue influence," or what he called "factions." Unlike the contemporary reformers, however, Madison understood the problem not as a "curse" emanating from moneyed interests but as one inherent in the project of self-government. For self-government, as he famously argued, in *Federalist* 10, in-

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vites citizens to be judges in their own cases.

> What are many of the most important acts of legislation but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine?

Madison considered but rejected two radical solutions to the problem of undue influence. The first would be to introduce a "will independent of the society," such as an absolute monarch or a military strongman who could toss out the warring factions and rule in the name of the public good. This is a possible remedy, of course, and historically a common one, but, as Madison observed, the elimination of political liberty is far "worse than the disease" of factions. The second, more "republican" remedy is to give "to every citizen the same opinions, the same passions, and the same interests." That, he argued, is not even possible, for diversity of opinion, passion, and interest, and the prevalence of self-love, are "sown in the nature of man." Although different in appearance, the "republican" remedy requires the liberty-destroying strongman too. Only by taking power out of society and concentrating it in the hands of one is it possible to make everyone equal and alike.

Madison's genius was to see in human diversity, especially in the kinds and degrees of property held, not threats to republican government but the solution to the problem of improper influence. If human diversity were allowed to flourish in an extended commercial republic and channeled politically through a system of representation and separation of powers, no single factious interest would be able to effectuate its will. Instead, each potentially factious interest would come to realize that its own good could be pursued only through compromise. And, by such a process of accommodation and coalition building, a majority would emerge that was likely to be moderate, in the public good, and protective of individual rights.

Furthermore, Madison recognized that human diversity would provide not simply the useful materials out of which a liberal republic might be constructed. Something more was at stake—the unalienable, natural rights of man, as enshrined in the Declaration of Independence. To protect "the diversity in the faculties of men from which the rights of property originate,"

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he wrote in *Federalist* 10, constitutes "the first object of government." Madison spoke of the rights of property in the most expansive sense. "In a word," he wrote in a celebrated essay on property, "as a man is said to have a right to his property, he may be equally said to have a property in his rights." And these rights assuredly include a right of political speech, especially campaign speech, as that "right of freely examining public characters and measures, and of free communication among the people thereon, ... has ever been justly deemed the only effectual guardian of every other right."

The Madisonian synthesis of political and economic liberty has vindicated itself against each of its competitors—absolute monarchy, authoritarianism, fascism, and communism. Yet, where Madison saw the interdependence of political and economic liberty, Dworkin sees a fundamental tension, if not a contradiction. In resolving this alleged tension, Dworkin would employ nearly the very solution that Madison had rejected as contrary to the first object of government. And, in endeavoring to make everyone alike in political influence, he would destroy, as Madison had predicted, political liberty itself.

As we have seen, the problems with our system of campaign finance are by no means severe. But, if we are to deal with them, we should move in the direction of Madison, not Dworkin. We should extend the universe of contributors by restoring tax credits or deductions (eliminated in 1986) for political contributions. We should raise contribution limits on hard money threefold to account for the effects of inflation, or perhaps even more to account for campaign inflation; this would ease the pressure for accumulating "soft money," allow candidates more time for campaigning or governing, enhance the prospects of challengers, and perhaps increase political knowledge as well as voter participation. We should also allow political parties to make unlimited contributions to their candidates (whom parties can hardly "corrupt"). And we could, without constitutional difficulty, extend contribution limits to soft money at the federal level. But, above all, we should seek solutions congruent with, not wholly foreign to, our constitution.

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Washington versus school reform

CHESTER E. FINN, JR. & MICHAEL J. PETRILLI

"PROMISCUOUS" is an overused word in Washington these days, but it aptly describes the trend in federal education policy—both at 1600 Pennsylvania Avenue and on Capitol Hill. The 1990s have seen the wanton transformation of innumerable education fads into new government programs. Since inauguration day, 1993, the Clinton administration alone has embraced dozens of novel education schemes, including subsidies for state academic standards, tax credits for school construction, paying for teachers to be appraised by a national standards board, hiring 100,000 new teachers to shrink class size, ensuring "equity" in textbooks, collecting gender-sensitive data on the pay of high-school coaches, boosting the self-esteem of rural students, establishing a Native Hawaiian Education Council, connecting every classroom to the Internet, developing before- and after-school programs, forging mentoring relationships between college students and middle schoolers, increasing the number of school drug-prevention counselors, requiring school uniforms, and fostering character education. "Superintendent

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Clinton" has also supported the Family Involvement Partnership, the America Reads Partnership, Lighthouse Partnerships (for teacher training), HOPE Scholarships, Presidential Honors Scholarships, Americorps, Voluntary National Tests, Education Opportunity Zones, and Comprehensive School Reform Grants.

But policy promiscuity is not indulged by Clinton and the Democrats alone. Roving-eyed Republicans in Congress have proposed, inter alia, slashing class size, ending social promotion, legalizing school prayer, replacing textbooks with laptops, funding environmental education, paying for school metal detectors, and creating a new literacy program.

Root causes

As education has ascended the list of issues that trouble voters, politicians of every stripe have predictably lunged for it. This has led Washington officials to shoulder problems and embrace initiatives that once were deemed the proper province of states and communities (or individual schools and families). The arena of federal education policy resembles a vast flea market, where practically any program idea can be displayed and offered for purchase without regard to its soundness or effectiveness.

As at a flea market, there's plenty of old stuff hanging around, too. Once created, education programs seldom disappear, no matter how poorly they accomplish their stated purposes and no matter what harm they may do along the way. It's not that their authorizers and appropriators are ignorant. The major programs have been evaluated time and again. Countless studies have shown that most of them, for all their laudable ambitions and fine-sounding titles, do little or no good. What then accounts for this reckless behavior?

To begin with, there is the ceaseless clamor for someone to do something. Education is clearly a problem that voters want solved. The simplest way to give at least the appearance of action is to propose another program. Of course, this impulse isn't confined to Washington. Many governors, legislators, mayors, and aldermen have spent their way into citizens' hearts with pricey education programs. As the 1998 election draws closer, reports the *Washington Post*, local, state, and national

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candidates of both parties are stumbling over one another with promises to shrink third-grade classes, build new classrooms, launch after-school programs, etc.

Another contributing factor is the political class's devotion to focus groups and polls. The public is not sure how to reform education and rather naïve about the real problems. The easiest, surest way to appeal to such voters is to offer instant solutions, like shrinking classes or refurbishing buildings, which won't actually solve any real problems. But one does thereby avoid being called "anti-education"—a label slapped on those who would overhaul or scrap some dysfunctional program or disrupt an established interest.

Then there is the problem of policy gridlock. One serious reform strategy focuses on standards and accountability; the other on school choice and diversification. It's not hard to design a shrewd blend, combining national standards with radical decentralization and merging tough accountability measures with school choice. But politicians with an eye on their "base"—or an upcoming primary—won't yield an inch on their pet schemes and aversions. Unable to reach agreement on genuine reforms, they reach instead for crowd-pleasers.

Finally, because Washington plays, in the end, such a marginal role in education, it feels free to do as it pleases. Washington furnishes just 7 percent of the K-12 education budget. Federal officials know very well that nothing they do will have great impact. Since they're not ultimately responsible for what happens in the schools, heedlessness comes easy to them. They rarely behave quite so immaturely in policy areas where Uncle Sam plays the lead role, such as national defense, Social Security, and international trade.

How we got here

Because the Constitution assigns Washington no responsibility whatsoever for education, the federal role is guided by no general principles. It just grew. Though some early federal involvement can be found as far back as the Northwest Ordinance of 1787 and the creation of land-grant colleges in 1862, the federal role in education is essentially a late twentieth-century design. Indeed, save for vocational education, the G.I. bill, the post-Sputnik "national defense education act," and, of

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course, the judiciary's deep involvement in school desegregation, the federal role in education is a creation of the mid 1960s, of Lyndon Johnson's Great Society.

The major legislation of the day included Head Start (1964), the Elementary and Secondary Education Act (1965), the Higher Education Act (1965), the Bilingual Education Act (1968), and, soon after, the Education for All Handicapped Children Act (1975). All these programs sought to expand access to education for needy or impoverished segments of the population—and to disguise general aid to schools as help for the disadvantaged. The dozens of programs created by these five statutes (and their subsequent re-authorizations) script the federal role in education today.

That role will soon be up for review. The 106th Congress will reauthorize the Elementary and Secondary Education Act (E.S.E.A.) and its $11 billion worth of programs, accounting for fully one-third of the Education Department's budget. Out of 69 K-12 programs currently administered by that agency, 47 are authorized by E.S.E.A. Title I, the largest of them at nearly $8 billion, is included, as are bilingual education, safe and drug-free schools, the Eisenhower professional development program, and scores more.

These programs mostly began under Lyndon Johnson (and until now no Republican Congress has had a crack at them), but they have enjoyed bipartisan support. Richard Nixon presided over a significant expansion of aid to college students. Gerald Ford signed the burdensome "special education" bill into law. The Reagan and Bush administrations proposed to return control to states and localities. They found early success—federal K-12 education spending declined 21 percent in real terms between 1980 and 1985. But funding for these programs then skyrocketed 28 percent from 1985 to 1992, and another 14 percent during Clinton's first term.

Their complexity grew, too. The 1994 version of the E.S.E.A.—passed just a few weeks before the GOP won control of Congress—took up over 1,000 pages. Today, the federal government spends $100 billion per year on over 700 education programs spanning 39 agencies. The Department of Education manages roughly one-third of this money and employs close to 5,000 people.

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Changing problems, unchanging programs

The assumptions underlying federal involvement in education have not changed since LBJ occupied the Oval Office. Increasing access to more and more services—rather than boosting achievement and productivity—is the primary mission. States and localities are assumed to be unjust, stingy, and stubborn. Top-down regulations and financial incentives are assumed to be the surest ways to induce change. And Uncle Sam's primary clients are assumed to be school systems, not states and municipalities, and certainly not children and families.

It's remarkable how stable these assumptions have been despite 30-plus years of failure. America's schools remain perilously weak. Whether one looks at worldwide math and science results, comparisons of "value added" over time, or other indices of achievement, America's schools simply don't measure up—except in spending, where U.S. outlays per-pupil are among the planet's loftiest. Domestically, our National Assessment results are mediocre to dismal, and the achievement (and school-completion) levels for minority youngsters and inner-city residents are catastrophic. In Ohio, for example, the school districts of Cleveland, Youngstown, and Dayton are all posting drop-out rates of greater than 40 percent. Nationally, a staggering 77 percent of fourth-graders from high-poverty urban schools cannot read at a basic level. The achievement gap between the rich and poor, and between whites and minorities, has not closed; it may even be growing. After three decades, billions of dollars, and thousands of pages of statutes and regulations, we have astonishingly little to show for the effort.

One might think policy makers would take notice. One might suppose they would demand a fundamental overhaul, a thorough hosing-out of this Augean stable of feckless programs and greedy interest groups. But one would be wrong. In a spectacular example of throwing good money after bad and refusing to learn from either experience or research, the scores of education proposals made within the past few years simply extend—indeed deepen—the familiar trend.

The recent proposals and new programs don't sound exactly like the old ones. Today's programs are generally mooted in phrases favored by focus groups, such as "comprehensive ser-

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vices," "mentoring," and "literacy." But the basic approach is the same. Most of them fall under three headings: "partnerships," which mask government activism under complex organizational links; the extension of services into new domains; and the adoption by Uncle Sam of duties and responsibilities that were once the province of states and communities.

From partnerships to entanglements

"Partnership," the pollsters assure us, is a "warm" term that focus groups adore. Upon examination, though, most "partnerships" turn out to resemble what used to be called "bureaucracies." Consider the "Lighthouse Partnerships" for teacher training, proposed by the Clinton administration and supported by several Republicans (and soon to be enacted). Washington's dollars would allow "model" colleges of education to "partner" with weaker ones. They would also "partner" with state education agencies, local school districts, and nonprofit organizations. All these new partners would supposedly work together to improve teacher training.

Nobody can quite explain why federal funding is necessary for them to cooperate. They are all supposed to be improving teacher training in the first place. Nor is it clear that anything real will result from their newly subsidized bonding. Will teachers be tested on more difficult material? Will schools of education be held accountable for producing teachers who know their stuff? Will students learn more? No one can be sure, since the stated mission of the program is simply to encourage institutions to hook up with one another. What is certain is that teacher training colleges and other pillars of the education establishment will reap added financial benefits. The traditional monopoly will be strengthened, and the teacher quality problem, far from being solved, will likely be exacerbated.

In addition to partnerships, politicians are also pushing programs that expand the mission of the public schools into new terrain. President Clinton recently trotted out a proposal to support "community learning centers" that tutor students and provide them with a safe place to go after school. It's hard to fault the impulse. (Though like most "compensatory" efforts, it overlooks the real problem—namely, that most public schools close by 3 p.m.) But is there a compelling reason for the

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federal government to fund them? And won't Uncle Sam's embrace prove to be a chokehold?

One thing we have learned over the years is that regulatory entanglements follow federal funding. New programs bring unaccustomed mandates, fresh conditions, and additional rules. We'll wake up one day to learn that the new after-school centers must be accredited or staffed by certified teachers (or unionized teachers); that they can be sponsored only by secular organizations; that their buildings must be built or rehabilitated by workers paid the "prevailing" union wage; that they will have to teach "diversity" and "conflict resolution," or environmentalism, or esteem-building via "cooperative learning."

Are there compelling benefits that outweigh these costs? We have not spotted any. The only real asset Washington has to offer to education is money. But, at present, the states have more of that than they need. Their combined surplus was estimated by the National Conference of State Legislatures at $28.3 billion for FY 1997. With so many dollars floating around, why burden worthy programs with Washington-style red tape? States, philanthropies, and local communities could easily create after-school havens for kids and recruit tutors for those who need help. Why must the Department of Education grow a "bureau of community learning centers" to manage this process?

The "me too" feds

Far from being stodgy, recalcitrant, and ignorant, the states today are bubbling labs of education reform and innovation. Information about promising programs gets around the country in a flash. A few years ago, no states produced school-by-school "report cards"; now at least a dozen do. Five years ago, only eight states had charter-school laws. Today, 33 have enacted them. This copycat behavior can be seen even at the municipal level. Chicago's successful accountability plan—ending social promotion and requiring summer school for those who failed—is being mimicked by dozens of communities, just as Chicago's dramatic new school-governance scheme (with the mayor in charge) is being adapted for use in other communities. Yet the tendency in Washington is still to national-

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ize problems and programs that states and communities are capable of tackling.

When, for example, did class size become a federal issue? It's states and communities that hire and pay teachers. It's states and communities that make the trade-offs, deciding, for example, whether they would prefer a large number of inexperienced, low-cost teachers or a smaller number of pricey veterans. Long before Clinton (and, for the Republicans, Congressman Bill Paxon) decided that smaller classes are better, several states were headed this way on their own. And, while the idea of reducing class size is undeniably popular with parents, its efficacy is uncertain and its unintended consequences numerous. Pete Wilson's class-size reduction plan for California, for example, prompted a mass exodus of experienced teachers from inner-city schools to posh suburbs, leaving disadvantaged kids with even less qualified teachers than before. Teacher shortages are now rampant, and thousands of people have received "emergency waivers." Instead of remedying the real teacher crisis—the lack of knowledgeable instructors—it has made the situation worse.

Research on class size is also inconclusive. Most studies show no systematic link between smaller classes and higher achieving pupils. The versions that seem to yield the greatest gains are those that slash class size below 15 kids. Such an expensive proposition must be weighed against the opportunity costs of other programs, strategies, or initiatives that could be funded. Some communities might decide that the price is worth it while others would rather use their dollars in different ways. Clinton's across-the-nation plan does not allow for such delicate and decentralized decision making. While the president often uses words like "autonomy" and "accountability," his proposal would micro-manage school staffing and budget priorities from Washington.

Once upon a time, Uncle Sam provided some real leadership in educational innovation. Now that the states are taking charge, the feds appear disoriented, playing "me too"—and not just with respect to class size. From ending social promotion, to adopting school uniforms, to implementing accountability systems, Washington is simply following in the footsteps of innovative state and local officials.

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A chance to repent

A rare opportunity is at hand for a top-to-bottom overhaul. The public seems ready for fundamental reforms in education and, indeed, is getting a taste of them at the grassroots level. There we can glimpse higher standards, tougher accountability systems, new institutional forms, and profound power shifts. Surveys make it plain that voters, taxpayers, and parents are hungry for charter schools, for tougher discipline, for more attention to basic skills, and for school choice. Privately funded voucher programs are booming: Hundreds of millions of philanthropic dollars are now being lavished on them and thousands of children wait in queues to participate. Two cities have publicly funded voucher programs, and more will follow soon. Charter schools are spreading like kudzu. And opinion leaders—from newspaper columnists to business leaders to college presidents—are signaling their own readiness to try something different.

Into this shifting landscape will soon drop the periodic reauthorization of the E.S.E.A. The federal role in education could be almost entirely reshaped via this one piece of legislation. But will it be? Plenty of political obstacles block the path to a true overhaul. Three decades of doing things one way creates huge inertia, and every program, indeed every line in this endless statute, now serves an entrenched interest. Still, that was also true of welfare a few years back, and Washington was able to muster the will and imagination to change it once policy makers understood that the old arrangements had failed. What would a different approach to the federal role in K-12 education look like? We see three basic strategies: block grants, vouchers, and trust busting.

Instead of myriad categorical programs, each with its own regulations and incentives to prod or tempt sluggish states and cities into doing right by children, what about trusting the states (or localities) with the money? Do federal officials really know better than governors and mayors what the top education reform priorities of Utica or Houston or Baltimore should be? The block-grant strategy rests on the belief that, while states and communities may crave financial help from Washington to solve their education problems, they don't need to be told what to do.

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Block grants can be fashioned without cutting aid dollars at all. (Indeed, by reducing the overhead and transaction costs of dozens of separate, fussy programs, they should enable more of the available resources to go directly to the children.) Block grants amalgamate the funding of several programs and hand it to states or communities in lump sums that can be spent on a wide range of locally determined needs. In so doing, they dissolve meddlesome categorical programs into pools of money.

Block grants also rid the nation of harmful programs, which get dissolved in the same pools. Do federal taxpayers really need to be funding the development of TV shows for kids? How about the sustenance of "model" gender-equity programs? Are "regional education laboratories" still needed to disseminate reform ideas in the age of the Internet?

Block grants come in every imaginable size and shape. If all the programs in E.S.E.A. were combined into one, at 1999 appropriation levels, the average state would receive $220 million per annum to use as it saw fit. Earlier this year, the Senate passed a somewhat smaller block grant designed by Washington state's Slade Gorton, which assembled some 21 categorical programs into a block grant totaling $10.3 billion. (Facing a Clinton veto threat, it was later deleted by Senate-House conferees.)

Voucher power

While block grants hand money and power back to the states, vouchers empower families directly. Instead of writing 50 checks, Washington would send millions of them straight to children and their parents, thus helping them meet their education needs as they see fit.

This is already standard practice in federal *higher* education policy, where an historic choice was made in 1972: Students rather than colleges became the main recipients of federal aid. A low-income college student establishes his own eligibility for a Pell Grant (or Stafford Loan, etc.) and then carries it with him to the college of his choice. That might mean Stanford or Michigan State, Assumption College or the Acme Truck Driving School. The institution only gets its hands on the cash if it attracts and retains the student.

The same thing could be done with federal programs meant

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to aid needy elementary and secondary students. The Title I program, for example, spends almost $8 billion annually to provide "compensatory" education to some 6.5 million low-income youngsters. That's about $1,250 apiece. What if the money went straight to those families to purchase their compensatory education wherever they like, from their public or private school, to be sure, but also from a commercial tutoring service, a software company, or the local public library? Title I would turn into millions of mini-scholarships. A similar approach could be taken to any program where individual students' eligibility is based on specific conditions, such as limited English proficiency, disability, etc.

The argument for vouchers is that a program designed to help people in need should channel the resources directly to them, not to institutions, intermediaries, or experts. Giving families cash empowers them while also building incentives for providers to develop appealing, effective programs. Furthermore, they make disadvantaged children financially attractive to schools and other service providers. The question most often asked about vouchers is whether families can be trusted to do right by their own children. We think the answer is usually yes—and experience with publicly and privately funded voucher plans all over the country seems to confirm that intuition.

How about the administrative headache of linking the federal government directly to millions of families? Such huge direct-grant programs as Social Security and veterans' benefits show that this can be done. But it's still an invitation to bureaucracy. Alternatives to direct relationships between Uncle Sam and millions of children and families include a hybrid strategy of vouchers and block grants which would turn the money over to states for *them* to hand out in the form of vouchers. Or the whole process could be handed over to private financial-services managers (much like the new welfare-services providers).

Bust the trusts

While the first two strategies loosen Uncle Sam's grip and shift power away from Washington, the third demands vigorous federal action. It calls for Big Government to tackle Big Education. Think of it as trust busting.

Even if all federal programs were block granted or

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voucherized, after all, the present power structure would still be in charge. School administrators, teachers' unions, colleges of education, and similar groups have erected a fortress that devolution may slightly weaken but will not vanquish. Lisa Graham Keegan, Arizona's crusading Superintendent of Public Instruction, understands this all too well. By pressing for charter schools, for school choice, for capital dollars "strapped to the back" of individual children, and for tough statewide standards, she has started to break the establishment's grip on education. Keegan recognizes, as David Brooks recently reported in the *Weekly Standard*, that "if you really want to dismantle the welfare state, you need a period of activist government; you need to centralize authority in order to bust entrenched interests."

What education "trusts" need busting? Our first candidate is the information monopoly. Education consumers in most of the United States lack ready access to reliable, intelligible information about student, teacher, and school performance. By manipulating the information, the establishment hides the seriousness of the problem. While most Americans know the education system is in trouble, they also believe that their local school serves its students well. This is the misinformation machine at work. There's a need for the education equivalent of an independent audit—and that's a legitimate role for the federal government, though one that many Republicans in Congress have so far been loath to permit.

Next, we would go after the teacher training monopoly. Due to state licensure rules, virtually all public school teachers must march through colleges of education en route to the classroom. As indicated by Massachusetts's recent teacher-testing debacle (over 60 percent of those taking the Commonwealth's new certification test flunked), those campuses aren't even teaching the rudiments. Institutions other than traditional education schools should be allowed to prepare future teachers. Knowledgeable individuals should be allowed to bypass formal teacher training altogether. And nobody who has failed to master his subject matter should enter the classroom at all. Federal programs—including grants and loans to college students—could wield considerable leverage in this area.

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Finally, local public school monopolies need competitors. Entities besides local school boards and state bureaucracies should be allowed to create and run schools. Private and nonprofit managers should be encouraged to do so. Any school that is open to the public, paid for by the public, and accountable to public authorities for its performance should be deemed a "public school" and be found eligible for all forms of federal aid.

Vigorous trust busting undeniably smacks of Big Government. It's as much a Washington-knows-best strategy as was the Great Society. But it directs that strategy against the genuine problems of 1998, rather than the vestigial problems of 1965.

The next welfare reform?

If 33 years of history are any guide, the upcoming E.S.E.A. reauthorization cycle will most likely produce no more than minor tweaking of longstanding programs and the addition of several new ones. Changing that outcome will require a level of policy imagination and political courage all too rare today. But it's not out of the question. It happened with welfare reform in 1996, and it could happen with education in the near future. Rebuilt atop the triple foundation of block grants, vouchers, and trust busting, E.S.E.A. too could be brought into the modern era. It might even begin to do some good, helping children in need, rather than merely feeding greedy interest groups.

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Getting serious about school discipline

JACKSON TOBY

IN April 1998, a 15-year-old female student at Roosevelt High School in Yonkers, New York, was upset because her social-studies teacher, Dawn Jawrower, had telephoned her parents to express concern over her poor academic performance. The student packed a hammer into her bookbag, entered Jawrower's class a little after eight in the morning, and attacked Jawrower in front of the class, fracturing the teacher's skull in two places before other students in the class managed to restrain her. Such an attack on a teacher, especially by a female student, is unusual. Yet other recent examples of student violence against teachers come to mind. Andrew Wurst, a 14-year-old student at the Parker Middle School in Edinboro, Pennsylvania, mentioned to another student that he was going to make the upcoming school dance "memorable." There he shot to death science teacher John Gillette and wounded another teacher as well as two students.

These occasional lethal rampages, of course, do not stop with teachers. There has been a spate of recent massacres of

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fellow students in schools like the one in Springfield, Oregon, in May of this year. In a speech to the 4,000 delegates to the annual convention of the American Federation of Teachers on July 20, President Clinton specifically mentioned the Oregon shooting in the course of calls for stricter school discipline as a means of preventing such tragedies.

Explaining school violence

The public is shocked more by violence when it occurs in schools, especially rural or suburban schools, than when it occurs on the streets of American cities, where it is statistically more frequent. Following media reports of such incidents, I usually get calls from journalists asking me for an explanation. Even though I have studied school violence for 20 years, I don't have a good explanation for specific eruptions any more than a meteorologist can explain why lightning struck a particular tree. Perhaps such extraordinary episodes of school violence represent an irreducible level of psychopathology that afflicts youngsters as well as adults. On the other hand, it may be the logical extension of everyday school violence, and everyday school violence—which typically involves mere shoving and punching between male students—can be explained. For me the right question is not why lethal violence sometimes occurs on school premises but why students are more prone to misbehave in school than they used to be.

The usual explanation for the change is that school discipline has become lax. But that explanation begs the question of what precisely "school discipline" involves. Essentially, "school discipline" implies that students know that bad behavior will be costly for them. What made it costly a generation ago was that schools were orderly; students knew that teachers cared whether they misbehaved or not and might give bad academic grades or unfavorable disciplinary reports when they observed such misbehavior. An orderly school was one in which students were wary of all teachers, not just their own but of any disapproving teacher whom they encountered in hallways, stairs, cafeterias, or schoolyards. The basis for school discipline lay at least as much in the student's awareness that teachers were vigilant and capable of invoking penalties as in such teacher characteristics as charisma or physical strength. The possibility of sanctions

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was threatening to students because most of them considered success in school important. What requires explanation is why students stopped believing that teachers cared about their behavior and why teachers, even if they cared, stopped enforcing good behavior.

Order in schools is precarious because small numbers of adults are outnumbered by larger numbers of children who may wish, at least initially, to do things other than learn. This has always been the case. In the 1960s and 1970s, however, this chronic problem was exacerbated by social and cultural changes that cumulatively relieved teachers of their disciplinary responsibilities. Two developments in particular stand out. One was the increasing proportion of youngsters enrolled in school who lack a stake in behavioral conformity to school rules. The second was the concomitant weakening of the authority of teachers that previously enabled them to keep the peace in school.

Unruly kids, disorderly schools

Probably the most important single reason that increasing proportions of youngsters have no interest in observing school rules is that more of them now than formerly do not want to be in school at all. Why is this? It has long been true that some children become rebellious simply because they are not there to learn; their families do not provide enough encouragement, support, and preschool training to give them a good chance at competitive success. It has also long been true that some peer groups develop goals unrelated to, or opposed to, academic achievement; children in school are exposed not only to the official curriculum but to the tutelage of their schoolmates, who are more numerous than adult teachers. What has changed is that modern societies now insist on more and more years of education for all children. In former generations, children who hated school dropped out; now they are more likely to remain enrolled regardless of whether they view education as necessary for their future lives.

Why do they stay? In part, they do so for legal reasons. All modern societies have raised the age of compulsory school attendance. But these formal legal requirements are not the whole story. Dropout prevention programs are part of the informal pressure on youngsters to remain enrolled in school

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at least until high-school graduation. True, many enrolled youngsters are convinced, as adults are, that they need an education to get satisfying jobs in an increasingly complex economy and to participate in the democratic political process. But some don't buy into this adult view; they feel like prisoners. Such youngsters don't respect the rules or those who enforce them as much as the students who regard education as an opportunity.

Keeping more children in school who do not want to be there interferes with learning as well as with school order. Consequently, functional illiteracy has spread to more students, resulting not necessarily in marginal students formally withdrawing from school but, more usually, in "internal" dropouts. Such students used to be described as "lazy," and they were given poor grades for "conduct." (The public schools have had great difficulty providing satisfaction, not to mention success, to students whose aptitudes or attitudes do not permit them to function within the range of traditional standards of academic performance.) One response of schools is to "dumb down" the curriculum. But most students who are uninterested in traditional education do not get much satisfaction out of intellectually weak courses either and thus do not develop a stake in conformity to school rules.

Many small student infractions contribute to the sense of intimidation among teachers. But the main causes are found elsewhere: In a school where students wander the halls when they should be in class, where candy wrappers and empty soft-drink cans have been discarded randomly, and where graffiti can be seen on most walls, teachers don't feel in control, and students don't perceive them as being in control. This tempts youngsters to test further the limits of acceptable behavior. Among students with little interest in education, the prospect of breaking rules provides some distraction. When they succeed in littering or in writing on walls, they feel encouraged to challenge other, more sacred rules, like the prohibition against assaulting fellow students and teachers.

What happens next is this: Students, both black and white, who are committed to learning transfer out of troubled public institutions to private or parochial schools, or they find a friend or relative to live with in the catchment area of a better school.

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This siphoning out of the better-behaved, more industrious students creates particularly serious order problems in big-city schools where students with little stake in conformity pile up in a critical mass of difficult-to-control students. Class-cutting increases, and students wander the halls in increasing numbers. In the classrooms, teachers struggle for the attention of students. Students talk with one another; they engage in playful and not-so-playful fights; they leave repeatedly to visit the toilet or to get drinks of water. Some are inattentive because they are intoxicated, and they become defiant or abusive when the teacher tries to quiet them.

The proportion of students with little stake in conformity varies from school to school, although the proportion is probably larger, on average, in big-city schools than in rural or suburban schools. But the overall trend has been toward greater proportions of rebellious students because greater proportions of students are staying in school without being convinced that further education is worthwhile. This trend makes for disorder, but it is abetted by another trend: Teachers have lost their authority over all students.

Separation of school from family

Historically, the development of American public education increasingly separated the school from students' families and neighborhoods. Even the one-room schoolhouse of rural America represented separation of the educational process from the family. But the consolidated school districts in nonmetropolitan areas and the jumbo schools of the inner city carried separation much further. Large schools developed for reasons of economy: The lower the per capita cost of education, the more feasible it was to hire teachers who specialize in such areas as art, music, drama, or advanced mathematics. Large schools also enabled teachers and administrators to operate according to professional standards instead of in response to local sensitivities—for example, in teaching evolution or sex-education. But the unintended consequence of large schools, which were operated according to bureaucratic and professional standards, was to make them relatively autonomous; they could ignore the local community.

The disadvantage of the separation of school from community

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was that students developed distinctive subcultures only tangentially related to education. Thus, in data collected during the 1950s, the sociologist James Coleman found that American high-school students seemed more preoccupied with athletics and personal popularity than with intellectual achievement. Students were doing their own thing, and their thing was not what teachers and principals were mainly concerned about. Presumably, if parents had been more closely involved in the educational process, they would have strengthened the influence of teachers.

Until the 1960s and 1970s, school administrators did not sufficiently appreciate the potential for disorder when many hundreds of young people come together for congregate instruction. Principals did not like to call in police, preferring to organize their own disciplinary procedures. They did not believe in security guards, preferring to use teachers to monitor behavior in the halls and lunchrooms. They did not tell school architects about the need for what has come to be called "defensible space," and, as a result, schools were built with too many ways to gain entrance from the outside and with too many rooms and corridors where surveillance was difficult. Above all, principals did not consider that they had jeopardized control over potential student misbehavior when parents were kept away, not knowing how their children were behaving. The focus of PTAs was on the curriculum, and it was the better-educated, middle-class parents who tended to join such groups. In short, the isolation of the school from the local community always meant that, if a large enough proportion of students misbehaved, teachers and principals would have difficulty maintaining order.

Civil rights and wrongs

Then the civil-rights revolution spread to public schools. At the same time that increasing proportions of schoolchildren had less stake in behavioral conformity to adult rules, adults were becoming increasingly sensitive to the rights of children. A generation ago, it was possible for principals to run schools autocratically and to suspend or expel students without much regard for procedural niceties. Injustices occurred; children were "pushed out" of schools because they antagonized teachers and principals. But this arbitrariness enabled school ad-

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ministrators to control the situation when serious misbehavior occurred. Student assaults on teachers were punished so swiftly that such attacks were almost unthinkable. Even disrespectful language was unusual. Today, as a result of greater concern for the rights of children, school officials are required to observe due process in handling student discipline. Hearings are necessary. Charges must be specified. Witnesses must confirm suspicions. Appeals are provided for. Greater due process for students accused of misbehavior gives unruly students better protection against teachers and principals; and it also gives the educational process less protection against disorder.

Another effect of the civil-rights revolution was the decreased ability of schools to get help with discipline problems from the juvenile courts. Like the schools themselves, the juvenile courts have become more attentive to children's rights. More than 30 years ago, the Supreme Court ruled that children could not be sent to juvenile prisons for "rehabilitation" unless proof existed that they had done something for which imprisonment was appropriate. The 1967 *Gault* decision dramatically changed juvenile-court procedures. For example, formal hearings with youngsters represented by attorneys became common practice for serious offenses that might result in incarceration.

Furthermore, a number of state legislatures restricted the discretion of juvenile-court judges. In New York and New Jersey, for example, juvenile-court judges may not commit a youngster to correctional institutions for "status offenses"—that is, for behavior that would not be a crime if done by adults. For example, truancy or ungovernable behavior in school or at home are not grounds for incarceration in New York and New Jersey. The differentiation of juvenile delinquents from persons in need of supervision (PINS in New York nomenclature, JINS in New Jersey) may have been needed. However, one consequence of this reform is that the public schools can less easily persuade juvenile courts to help with discipline problems that threaten the order on which the educational process depends. In some cases, the juvenile-court judge cannot incarcerate because the behavior is a status offense rather than "delinquency." To a juvenile-court judge, the student who called his history teacher an obscenity is not a candidate for incarceration in a juvenile correctional institution. In other

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cases, the alleged behavior, such as slapping or punching a teacher, does indeed constitute delinquency. But many judges will not commit a youngster to a correctional institution for this kind of behavior because they have to deal with what they consider to be worse juvenile violence on the streets.

Increased attention to civil rights for students, including students accused of violence, was also an unintended consequence of compulsory-school-attendance laws. The Supreme Court held in *Goss v. Lopez* not only that schoolchildren were entitled to due process when accused by school authorities of misbehavior but also that greater due-process protections were required for students in danger of expulsion or suspension for more than 10 days than for students threatened with less severe disciplinary penalties. The Court held also that the state, in enacting a compulsory-school-attendance law, incurred an obligation to educate children up until the age specified in the law, which implied greater attention to due process for youngsters still subject to compulsory-attendance laws than for youngsters beyond their scope. Boards of education interpreted these requirements to mean that formal hearings were necessary in cases of youngsters in danger of losing the educational benefits the law entitled them to receive. Such hearings were to be conducted at a higher administrative level than the school itself, and the principals had to document all allegations and to produce witnesses who could be cross-examined.

The social changes that came with the separation of the secondary schools from effective family and neighborhood influences partially explain the reduced ability of teachers and principals to maintain order in the schools, and the legal changes further weakened the authority of principals and teachers. Social and legal changes were not the entire explanation, however. Cultural changes also undermined order. There was a time when the judgments of teachers were unquestioned. No more. Today, teachers and many other authority figures—parents, police, government officials—receive little respect or prestige. In the case of teachers, the general demythologizing was amplified by special ideological criticism. Reflecting this, books, movies, and television shows all have portrayed teachers, especially middle-class teachers, as the villains of education—as insensitive, authoritarian, even racist.

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Intimidated teachers

During the 1970s, increasing media reports of school violence aroused so much public concern that Congressional hearings were held, further alarming the public. The 93rd Congress mandated, in 1974, an elaborate study to determine the extent and seriousness of school violence. In January 1978, the National Institute of Education published a 350-page report to Congress, *Violent Schools—Safe Schools*, detailing the findings of the study.

Although the study is two decades old, it is worth revisiting, for it remains the most comprehensive national study of school crime and disorder ever done. Principals in 4,014 schools in large cities, smaller cities, suburban areas, and rural areas filled out questionnaires. Then 31,373 students and 23,895 teachers in 642 junior and senior high schools throughout the country were questioned about their experiences with school crime—in particular, whether they themselves were victimized and, if so, how. Unfortunately, the study could not definitively answer some basic questions, like whether school violence was really increasing, because no previous surveys existed with data comparable to the 1976 data from the *Safe Schools* study. Nevertheless, the authors of the report concluded, on the basis of fragmentary evidence, that disruption was "considerably more serious than it was 15 years ago, and about the same as it was five years ago."

The study also explored what was responsible for this increase in crime and disruption. Here the *Safe Schools* study waffled, but later studies, being less comprehensive, could say even less about causes. Thus, in March 1998, the Bureau of Justice Statistics and the National Center for Education Statistics jointly published data comparing *student* victimizations in 1989 and 1995; 3.4 percent of students aged 12 to 19 had reported violent victimizations in 1989, and 4.2 per cent reported them in 1995. But the 1998 study had nothing to say about why the increase occurred. If changes in school discipline were involved, for instance, the study couldn't tell because it had no data from teachers on their disciplinary practices. Furthermore, unlike the *Safe Schools* study, which collected victimization data from many schools, and which was therefore able to distinguish safe and academically excellent schools from schools where violence had reached levels high

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enough to threaten the educational process, the sampling procedure used in the 1998 report precluded inter-school comparisons. Without reports of teacher disciplinary practices linked to schools with different levels of disorder, the 1998 report was unable to investigate a possible connection between less effective discipline and the increase in school violence.

In contrast, the *Safe Schools* study included data that enabled readers to infer that teachers were being intimidated in some but not all schools. The study mentioned that substantial proportions of American junior-high-school and senior-high-school teachers reported being sworn at by their students or being the target of obscene gestures during the month preceding the survey. Crimes against teachers while they were at school were most serious in the central cities. Robberies of teachers were three times more common in inner-city schools than in rural schools, and assaults were nine times more common, although rare compared with the victimizations of students. Even in big-city secondary schools, less than 2 percent of the teachers surveyed reported assaults by students within the past month, but threats were more frequent. Some 36 percent of inner-city junior-high-school teachers reported that students threatened to hurt them, as did 24 percent of inner-city high-school teachers. Understandably, many teachers said they were afraid of their students, especially in inner-city schools. Even a small incidence of violence against teachers symbolized a new reality: Teachers were not in control of some schools. A December 1997 survey of 1,500 teachers and school staff in the Boston school system, conducted by the Teachers Union, showed that the intimidation of big-city high-school teachers is continuing. Some 43 percent affirmed that they "felt their personal safety was in jeopardy in the past two years."

The public thinks of teachers primarily as educators, not as agents of control. Teachers themselves tend to downplay their disciplinary role. Some object to hall or cafeteria duty on the grounds that they are not policemen. If pressed, however, teachers will agree that control of the class is a prerequisite for education. Teachers who abdicate control cannot teach effectively. The *Safe Schools* study asked teachers, "In May how many times did you hesitate to confront misbehaving stu-

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dents for fear of your own safety?" The response categories were, "Never," "Once or twice," "A few times," and "Many times." For those who can remember the days when teachers were on a pedestal, the results of the survey were surprising: 28 percent of teachers in cities of half a million or more said that they hesitated to confront misbehaving students at least once in the month before the survey. Smaller percentages of teachers were afraid to confront misbehaving students in other locations: 18 percent in schools in smaller cities, 11 percent in suburban schools, and 7 percent in rural schools. Given that violence against teachers was found to be greatest in the big-city schools and least in the rural schools, teachers' fears would seem to have realistically reflected the actual threat.

Informal controls

Whatever the reasons for the reluctance of individual teachers to admonish misbehaving students, including the desire to be popular, this reluctance implies at least partial abandonment of their disciplinary role. When teachers see student misbehavior and turn away to avoid the necessity of a confrontation, students perceive that teachers are intimidated. This lesson encourages student misbehavior that might otherwise not occur. In short, teachers' reluctance to show disapproval of misbehaving students may be partly the *cause* of the high level of disorder in some schools as well as its effect. The formal controls that have developed in big-city schools—uniformed security guards, for example—are a partial result of the breakdown of *informal* social controls over students, such as the expression of teacher approval or disapproval. Informal controls still work in most of the smaller schools of smaller communities.

Not only do many school systems employ security guards but some also have metal detectors to screen for knives and guns. The District of Columbia school system employs 250 security officers—along with metal detectors in 31 schools. New York City employs 3,200 security officers, as well as metal detectors. Security guards and metal detectors are useful for inner-city schools that need protection against invading predators from surrounding violent neighborhoods and to break up fights that teachers are afraid to tackle. But security programs cannot be the main instrument for preventing student

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misbehavior in public secondary schools because security guards are not ordinarily in classrooms where teachers are alone with their students. Furthermore, there are never enough security guards to maintain order in hallways or gyms or cafeterias or to prevent assaults or robberies by their mere presence. In January 1992, Mayor Dinkins visited Thomas Jefferson High School in Brooklyn to deliver a speech. Though the mayor came with bodyguards, and though security guards were on hand, two students were fatally shot by an angry classmate during Dinkins' visit. Security guards constitute a second line of defense, but they cannot by themselves provide a disciplined environment within which the educational process can proceed effectively.

The primary peace keepers in schools have to be the teachers, as the Japanese experience demonstrates. Japanese high schools do not have security guards or metal detectors, yet all Japanese high schools are safe. How do they do it? Japanese educational requirements make it unnecessary for Japanese high-school teachers to have charismatic personalities to control a class. Run-of-the-mill high-school teachers have a great deal of influence over Japanese students because all of their students want to be students; compulsory education ends in Japan at graduation from junior high school (the ninth grade). Convinced as they are that their futures depend on getting a good education, Japanese high-school students regard their teachers as mentors, not oppressors, and therefore crave the favorable opinions of their teachers. As a result, more than 90 percent of them graduate from high school, a larger proportion than American youths, even though the United States uses high ages of compulsory attendance to attempt to stuff education into the heads of students, willing or not.

Make high school voluntary

If teachers are to maintain control of classrooms, students must care about their approval or disapproval, while not necessarily fearing them. Yet, if students care about what the teacher thinks of them, an element of fear will nevertheless be present—fear of doing something that will jeopardize the teacher's approval. Two institutional changes can reinforce student sensitivity to teachers' reactions. First, make high schools

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voluntary and require students to justify by studious behavior the public expense of providing them with an education. If students have to prove that they are learning something in order to take advantage of a free education, they will attend class more regularly, pay more attention in class, and do more homework. They will also be more respectful of their teachers and more concerned with earning good grades. The small minority of high-school students who lack the slightest interest in learning anything except how to drive their teachers into another profession would have to choose between getting an education and leaving school until they are ready to take learning seriously.

The national trend toward raising the age of compulsory attendance from 16 to 18 worsens rather than improves high-school education and inevitably contributes to discipline problems. A half dozen years ago, the District of Columbia raised the age from 16 to 18, after which its schools went downhill faster. Even if such legal requirements could guarantee the physical presence of alienated students in school, they cannot force students to learn. Unlike imprisonment, which can be imposed on the unwilling, education requires cooperation between teachers and learners.

What states should do to reawaken students' desire to earn the good opinion of their teachers, thereby improving their leverage over students, is to enact laws making attendance at public high schools voluntary, as it is in Japan, and then do everything possible to motivate students to attend in their own self-interest. This done, teachers will have more enthusiasm for teaching and will not be afraid to confront misbehaving students, thereby nipping everyday school violence in the bud.

What about junior high schools and intermediate schools? The higher academic and behavioral standards that voluntary enrollment will make possible in high schools will eventually have a beneficial effect on lower secondary schools. Once all high schools have become voluntary—and are thereby able to raise their academic and behavioral standards—junior-high-school students will face the problem of getting accepted at the high school of their choice (as they face it now in Japan). Teachers will be able to say to junior-high-school students, "If you do not learn what you are supposed to learn in junior high school, you

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will cut yourself off from later educational opportunities." This will decrease, although not eliminate, disciplinary problems from junior high schools. The Japanese experience is instructive. Although Japanese junior high schools are more violent than Japanese senior high schools, most Japanese junior-high-school students are too busy preparing for the examinations for high-school admission to engage in disciplinary infractions.

Of Big Macs and big brothers

If high-school attendance became voluntary in the United States, academic achievement would increase and discipline problems would decrease, but the improvement would be most marked in inner-city high schools. The argument against making high-school attendance voluntary in the United States is essentially that, until American society devises transitional institutions for moving uneducated dropouts into work roles, education is the only game in town. But this is not the case: Formal education is not the only path to responsible adulthood.

The much-maligned fast-food industry is a major trainer of the poorly educated, including minorities and recent immigrants, providing them with jobs that can lead eventually into the middle class. More than 20,000,000 members of the current American labor force have worked at one of McDonald's 8,000 restaurants, mostly at only slightly better than minimum-wage entry-level jobs. McDonald's does not think of itself as a training ground where egocentric teenagers, including dropouts, can learn the sorts of skills and values that will enable them to move on to better jobs; but it is more successful at doing so than most governmentally sponsored training programs. Unfortunately, Americans wax nostalgic over disappearing work experiences for children—e.g., paper routes and family farms—while they ignore the large fast-food chains that provide training in crucial work skills, like getting to work on time, being well groomed, working hard and fast.

We ought to rewrite our child labor laws, making it easier for dropouts to get a taste of the world of work in service industries while keeping open the door for a return to school. Sometimes this can be done through work-study programs. Aviation High School in Queens, New York, gives its students opportunities for high-paid technical jobs at New York City

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airports. But more than half of its students ultimately go to college, often for engineering degrees.

The second reform involves finding creative ways to introduce adults into high-school classrooms to bolster the authority of classroom teachers. For example, Chicago's DuSable High School, an all-black school close to a notorious public-housing project, demonstrated the practicality of offering repentant dropouts from the neighborhood the chance to enroll as regular students. A 39-year-old father of six children, a 29-year-old mother of a 14-year-old freshman at DuSable, a 39-year-old mother of five children hungered for a second chance at a high-school education. They accepted the school district's invitation to return to DuSable High School because they had come to believe that dropping out a decade or two earlier had been a terrible mistake. Some of these adult students were embarrassed to meet their children in the hallways; some of their children were embarrassed that their parents were schoolmates; some of the teachers at the high school were initially skeptical about mixing teenagers and adults in classes. But everyone agreed that the adult students took education seriously, worked harder than the teenage students, and set a good example.

These adult students are not in school to bolster the authority of teachers; that is just a byproduct of their presence. Apparently, it is harder to cut classes or to skip school altogether when your mother is a fellow student. Most school systems shunt adult students into special adult school programs or G.E.D. classes, partly because work or child-care responsibilities make it difficult for them to come during the normal school day. But, especially in inner-city high schools, much can be gained by encouraging even a handful of adult dropouts to return to regular high-school classes. Teachers who have a serious adult student or two in their classes are not alone with a horde of teenagers. The additional adults in the classroom provide moral support to teachers who need all the moral support they can get.

Making the tradeoff

Would such changes substantially improve school discipline in public high schools? Not quickly. Nothing that is worth doing can be done overnight. The peace-keeper role of teachers gradually eroded in many public secondary schools be-

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cause, even in schools where most students take education seriously, a small number of misbehaving students sabotage classroom order and intimidate teachers. Furthermore, in large school systems, the saboteurs are not evenly distributed among schools; they pile up in the schools with the worst reputations and make them educational wastelands—as well as dangerous. It will take years to reestablish the expectation among public secondary school teachers that students will routinely heed them; only this confidence enables them to be peace keepers. Catholic high-school teachers in the big cities have this confidence now, as do Japanese high-school teachers. (Catholic high schools manage to be academically successful and orderly even though many of them enroll a majority of black and Hispanic kids from economically disadvantaged homes.)

What about a crime wave from dropouts who don't take entry-level jobs in the service industries and, instead, hang out on the streets? The crime-wave theory rests on two assumptions: that there will be substantially more dropouts once high-school attendance becomes voluntary and that dropping out in itself causes youth criminality. Neither assumption is sound. Higher educational standards will not increase the dropout rate much, if at all, because the majority of students stay enrolled in school, not because of compulsory-attendance laws but because they believe that education will eventually prove useful to them. What about those who do not believe this and drop out because they are unwilling to increase the little academic effort they expend in class or at home? Longitudinal studies have found that, although dropouts have a higher crime rate than high-school graduates, their criminality was high before they dropped out and does not increase after their leaving school. The tradeoff may be more crime outside of schools and less crime inside of schools.

Order, though difficult to regain, is not irretrievable in public secondary schools. Regaining it requires a recognition that schools should not be recreation centers for teenagers; they should be places where teachers demand that serious learning take place, whether the learners are 13 or 43. No, American students are not scared of their teachers, but some teachers are scared of their students. Which is worse?

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Civic education reconsidered

JAMES W. CEASER & PATRICK J. MCGUINN

WE ARE approaching the end of an era in educational philosophy. From the middle of the 1960s until today, the reigning orthodoxy among educational theorists has been one of hostility to civic education, understood as the attempt to inculcate an appreciation for the principles of America's political system. Those espousing this orthodoxy rarely, of course, call it an anticivic idea. They have preferred instead to advance their views under more attractive labels, such as humanitarianism (where an attachment to the nation, especially one's own nation, is considered repugnant), individualism (where the cultivation of any political orthodoxy is regarded as a violation of each individual's right to fashion his or her own moral hierarchy), or, most recently and elaborately, multiculturalism (where people are said to belong authentically only to ethnic, racial, or sexual groups, not to anything as synthetic as the "Eurocentric" ideas of the American political system). Each of these theoretical justifications rests nicely on a positive standard—humanity, self, or culture—but

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the real driving force behind them has been the desire to eliminate certain dark tendencies thought to be encouraged by American civic education: imperialism (especially as it was manifested during the Vietnam War and the Cold War), repression, and racism and sexism.

The anticivic orthodoxy has thus been anything but antipolitical. An outgrowth of the revolutionary program of the New Left of the 1960s, it sought initially to further that movement's general aims. If the orthodoxy has lost a bit of its ideological edge today, it is because political conditions have changed and because a new generation of educational theorists is now naïve and earnest enough to believe in such things as "values clarification training" and "cultural studies" as ends in themselves. But the political connection of these educational programs to the Left, even if slightly attenuated, still lies just beneath the surface.

Collapse of an orthodoxy

This anticivic orthodoxy is now under siege. It was attacked first, as one would have expected, from the conservative side. Lacking a solid base inside the intellectual and educational establishments, conservatives took their case into the broader arena of politics. Revelations of our schools' indifference or hostility to civic education were part of President Reagan's two presidential campaigns, and they became a major preoccupation of the Department of Education under William Bennett. At the state and local levels, conservatives mobilized to bring pressure on school boards to restore the civic idea. Most important, an unknown soldier in the conservative army coined the term "political correctness," which became a mighty polemical weapon, helping to expose the theoretical hegemony of the anticivic position.

Yet, as much as conservative opposition influenced public opinion, it could not seriously breach the citadel of intellectual thought. That could only come from within. As the consequences of the anticivic position began to become evident, a few intellectuals on the left courageously broke ranks to join the assault. One of the earliest, most notable, and most eloquent was Arthur Schlesinger, Jr., whose *The Disuniting of*

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America, in 1992, warned against the growing number of educators who "contend that a main objective of public education should be the protection, strengthening, celebration, and perpetuation" of different ethnic and racial identities. This kind of overheated multiculturalism—the "cult of ethnicity," as Schlesinger called it—could destroy the nation.

The way was now open for the emergence of a major intellectual movement: a "newer Left," which has seemed at times to reserve its greatest passion not for attacking the Right but for assailing the New Left. Proponents of this movement have made the restoration of civic education one of their major goals, whether in the form of Paul Berman's plea for a renewed "religion of democracy" or Michael Lind's call for a new "liberal nationalism." The newer Left recently received the blessing of one of America's most celebrated philosophers, Richard Rorty, who begins his recent book, *Achieving Our Country,* with the provocative observation that "national pride is to countries what self-respect is to individuals." This is hardly the language of the Left of the 1960s. Rather than abandoning the civic idea as the New Left had done, Rorty maintains that the goal of the Left should be to recapture it. He calls for a creative melding of Walt Whitman and John Dewey which will enable the Left to tell a new "story" of the nation's past and to forge a new dream of its future. Others in this movement invoke different figures as spiritual ancestors—Herbert Croly and even Alexander Hamilton have found renewed favor—but with the same aim in mind: to return the Left to an older way of thinking in favor of a central democratic version of the civic idea.

It will be some time, of course, before civic education again becomes the norm in American schooling. In contrast to the kind of tight command structures that prevail within intellectual ranks in many European countries, where the word of a leading thinker is quickly disseminated and acted upon, American intellectual life is characterized by weak lines of communication. Years can pass before the second and third tier intellectuals—the NCOs and privates, as it were, of the intellectual armies—receive their marching orders. For the moment, therefore, partisans of the anticivic orthodoxy in America continue to fight on, blithely unaware that a portion of their general

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staff has deserted the cause. Indeed, they are still winning battles: Multiculturalist forces have more say than ever on what is allowed in textbooks or what is said in classrooms.

Nevertheless, barring some unforeseen event, the anticivic orthodoxy will eventually collapse under the combined assault of the Left and Right. What the new world will look like, however, is another matter. With intellectuals on both sides now embracing the cause of civic education, the stakes involved in controlling this idea have risen dramatically. Each group nurses hope, but is moved by fear. The Left is aware that it is behind. As much as a change of conviction, it has been the Left's sober realization that its indifference to the civic idea was, in Rorty's words, a "political disaster" that has spurred a change of strategy. Intellectuals on the left are haunted today by the thought that they might awaken to find a nation of school children compelled to learn their lessons from a new version of *McGuffey's Reader* or, worse, from the ever-expanding library of Bennett's books on virtue.

For their part, today's conservative intellectuals are suddenly discomfited by the realization that they no longer have sole ownership of the idea of civic education. Not quite knowing how to react to this new situation, they have alternated between allowing themselves to be seduced by any kind of appeal to civic education, including some of the raw bones thrown their way by communitarians and proponents of the newer Left, and then complaining bitterly that their platform has been stolen from them. And conservatives have a nightmare of their own: Legions of school children, dressed in federally designed school uniforms, deployed in mass formation waving colorful banners warning of the dangers of second-hand smoke and of global warming. Beyond these partisan concerns, a few educators also worry that in a looming battle over civic education, where each side may try to outbid the other in its commitment to an American "narrative," the students' critical spirit might be lost; or they worry that an American canon will be indiscriminately expanded at the expense of what little remains in our schools of "classical" studies, with the last remnants of Homer and Shakespeare sacrificed to Whitman and Vidal.

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Perspectives on the civic

Substantial as these apprehensions about a renewal of civic education may be, there is nonetheless an emerging consensus that it would be a mistake to allow any incidental reservations to undermine the struggle against the anticivic orthodoxy. A nation that has abandoned civic education and cultivated a disdain for its own principles is clearly in trouble. So say conservative and liberal intellectuals. Better some kind of civic education, the thinking seems to go, than none at all. The consensus is perfectly reflected in the exquisitely balanced Council on Civil Society, a bipartisan group of academics, theologians, and politicians that includes Senators Joseph Lieberman and Dan Coats and Professors Cornel West and James Q. Wilson. It recently called for schools to rededicate themselves to "transmitting to students a knowledge of their country's constitutional heritage, an understanding of what constitutes good citizenship, and an appreciation of their society's common civic faith and shared moral philosophy."

Still, it would be unwise to permit consensus on an overall end to blunt criticism of the way to achieve it. The campaign for civic education, we believe, is being waged on a faulty premise. It assumes, apparently without much consideration, that the only way to defeat the anticivic orthodoxy is to replace it with an idea—meaning a single plan or program of study or curricula—of what civic education should be. The alternative to none, in this view, is one. Left and Right disagree on what this idea should be, but each seeks a unitary vision. This way of thinking excludes another approach—one that affirms that a dialogue among different conceptions of the American civic idea is the best way to promote sound civic education. In a pluralist understanding, the preferred alternative to none is several. As long as the civic idea is taken seriously, and as long as the basic character of the political order is respected, the nation may be better served by civic education from a variety of perspectives.

These perspectives date from the American colonial experience and have been developed and maintained by different kinds of schools, including the schools of various Protestant denominations, Catholic schools, military academies, Friends schools, as well as the different secular and government sys-

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tems. The Protestant tradition in America grew out of the same European Enlightenment ideas as the nation itself. From the beginning, Protestants have emphasized education so that individuals could learn to read the Bible for themselves and to reason independently about God. This tradition espouses individualism, self-reliance and hard work, public service, and respect for legitimate authority. Writing in the early nineteenth century, Noah Webster captured the Protestant belief that good Christians make good citizens:

> The scriptures ... furnish the best principles of civil liberty, and the most effectual support of republican government. They teach the true principles of that equality of rights which belongs to every one of the human family but only in consistency with a strict subordination to the magistrate and the law.

The Catholic contribution to the American civic tradition has also been longstanding and significant. Catholic educators have consistently held that religious teachings are not only compatible with civic education but complement it in important ways. They have challenged what John Courtney Murray has called the "contrived dilemma wherein one is confronted with the stark choice of flag or cross, fatherland or faith, Caesar, or God." Catholics' more communitarian view of the citizen's role in society—derived from Aquinas and the tradition of natural-right philosophy—has served as a valuable counterweight to modern liberalism's emphasis on the individual. Catholic education encourages discipline, egalitarianism, concern for the less fortunate, and community service. As Pope John Paul II has said, "Catholic education serves the future of all Americans, by teaching and communicating the very virtues on which American democracy rests."

Military schools, meanwhile, stress the inculcation of duty, loyalty, respect for authority, patriotism, discipline, honor, and leadership. These "private" schools are at their very core dedicated to the idea of service in defense of public principles and the state. Preparing the individual for the ultimate sacrifice, they encourage the ultimate sense of civic duty. Quaker schools have as their guiding principles social responsibility, consensus building, tolerance, equality, and simplicity. They emphasize the importance of individual conscience and the peaceful resolution of disputes. The small number of Quaker

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schools ensures that their pacifism—which like militarism could pose difficulties if it dominated society at large—remains but one voice among many.

Pluralism describes an arrangement or a process, and there is nothing in a pluralist view per se that assures the reasonable content of the different positions, much less a satisfactory outcome to any dialogue. If each of the positions is foolish and inadequate, it is hard to see how much is gained by having many of them. Thus pluralism must not come to mean a blind trust in the process; debates about better and worse plans must continue. Nor, from a different angle, is pluralism a guarantee that disagreements will not become overheated, leading to efforts by some to suppress their rivals. Such in fact has often been the case with American history; during most periods, pluralism better describes the reality of disagreement than an ideal accepted by the different parties. A defense of pluralism acknowledges these shortcomings and flaws, but it maintains nonetheless that, as a general way of structuring matters, far more is to be gained than lost in the ongoing existence of, and even the competition among, different views.

Private or public?

The issues at stake in the conflict between a unitary and a pluralist approach to civic education go well beyond current policy debates about vouchers to the very idea of how the "civic" should operate in American education and political life. These questions, nevertheless, have a bearing on discussions of the place of private—or, as we shall say, nongovernment—education in our society, as well as on the degree of curricular centralization and hierarchy in government education.

Since the beginning of the present decade, conservatives have warmed to support of nongovernment schools but without defending the benefits of civic pluralism. They argue that nongovernment schools can provide what government schools sometimes have failed to offer: a sound education, including a sound civic education. But conservatives continue to speak of a common civic idea that would be taught in the private, as well as in the public, schools. Intellectuals on the left have become, if anything, more insistent on a unitary vision of civic education. This position fits better with their renewed empha-

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sis on a national civic idea, which they also connect with support for the public school system. Benjamin Barber has expressed this sentiment perfectly in his recent book, *A Passion for Democracy*:

> Public schools are not merely schools for the public, but schools of publicness; institutions where we learn what it means to be a public and start down the road toward common national and civic identity.... Without citizens, democracy is a hollow shell. Without public schools, there can be no citizens.

Claims of this kind build on the logic of the unitary idea and employ with full force a rhetoric of the "common" and the "civic." Civic education, in this view, takes place only in the common school or, at any rate, only according to a commonly conceived curriculum. Nongovernment schools are seen if not as illegitimate then as representing a withdrawal from the civic enterprise. Surprisingly, many theorists of political liberalism accept the spirit of this argument, even if they reject the conclusion. They do not deny that sending one's children to nongovernment schools withdraws them from civic life but argue that it is a freedom that a liberal society must permit because of liberalism's commitment to the private rights of belief and association. Permitting withdrawals constitutes, in this liberal view, the core meaning of "pluralism" in the educational sphere. The civic here is connected to the public and the governmental, while rights and pluralism are linked to the private. As Eamonn Callan has expressed this view in his recent book, *Creating Citizens: Public Education and Liberal Democracy*, the state "must permit communities of like-minded citizens to create educational institutions that reflect their distinctive way of life," although this "accommodation to pluralism" creates the dilemma of producing "alienation from the political culture of the larger society."

Civic pluralism rests on a different idea. It is a pluralism not of withdrawal from civic life but of participation in it. No one denies that a liberal society should allow people to pursue their "distinctive way of life" as a matter of right. But, while this is a necessary attribute of a liberal society, it may not be an adequate characterization of it. There is a difference between a requirement of a system and its actual animating sprit. Too many theorists miss the point by concentrating all

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their energies on the theoretical and legal possibilities of the system, forgetting to describe a nation's historical and sociological realities.

In the case of education in America, it is false to claim that the primary reason for the exercise of a "private" right of association has been to opt out of civic life. Quite to the contrary. Rights have usually been exercised to express different conceptions of the civic idea and to articulate a view of the American liberal democratic idea. Students who attend nongovernment schools today are thus not being taught to withdraw from civic life but to practice it in a certain way. To the extent that there has been a withdrawal from the civic in modern America, it has been encouraged far more by government school systems, where the anticivic orthodoxy has been strongest, than by nongovernment systems. In fact, many parents who have removed their children from government schools have done so to re-attach them to a civic idea.

Diversity versus pluralism

Civic education is a slippery concept that can be used in many ways, which is why many avoid trying to define it. It can be conceived in a very broad or a fairly narrow sense, but in modern liberal democracies, it has generally been thought to include the following three components. The first is the transmission of the knowledge and mores needed to create responsible and productive members of society. In this sense, civic education overlaps with moral education. Moral values are learned from a school's formal curriculum, but even more from its general ethos, including the examples set by teachers, coaches, and school administrators.

The second component of civic education is the teaching of specific skills, dispositions, and information helpful to performing the tasks of being a citizen in the strict public sense—voting, obeying the laws, paying taxes, and participating on juries and in politics. This part is the heart of curricular instruction in civics and is often supplemented through student involvement in community service ("service learning") and student government. A third, and often the most controversial part of civic education, is the attempt to foster an attachment to the nation's principles and institutions as objects worthy of

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respect, devotion, and sacrifice. This attachment can be cultivated by appeals to emotion and "prejudice," which is the approach emphasized in some nations. But it can also be achieved through reasoned assent within a critical spirit, which has generally been the method stressed in America.

Why then has the campaign for renewed civic education embraced a unitary, rather than a plural, conception of the civic idea? Political causes often define themselves—or allow themselves to be defined—by what they oppose, which today means chiefly multiculturalism and its goal of "diversity" (a term that reminds one of pluralism). Diversity, it is argued, produces disunity and opens America to the prospect of feuding tribes lacking any common bond. Having defined the problem in this way, the natural tendency is to place a premium on unity and to favor measures that promote a common experience. In this climate, pluralism sounds like the problem, not the solution.

Closer examination, however, makes clear that it is a mistake to equate "diversity" with "pluralism." Diversity proclaims that an individual's social identity is to be located not in the nation's guiding principles but in one or another of its so-called cultural groups; this way of thinking denies a distinctive American civic idea. Pluralism, by contrast, refers to the different expressions and understandings of the American civic idea. It is true that pluralism, in some instances, produces separateness. For example, it is mostly Catholics who attend Catholic schools and mostly Protestants who go to the different Protestant schools. But the nation has survived this separateness with the commitment of its various groups to the country intact and with their patriotism undiminished. A common sentiment need not always be produced by going through the very same experience. Moreover, the intolerance that existed among the different religious groups has largely given way today to their common effort to protect religious faith from the secularism of modern society. If there is a culture war in America today it is less one among the different believers in different faiths than between believers and nonbelievers.

The conflating of "diversity" and "pluralism" may have started out as an innocent mistake—one of those unfortunate confusions that the imprecise instrument of language sometimes

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produces when dealing with intellectual constructs and general ideas. But perpetuating this confusion is now, for some, a deliberate policy. It serves the aims of those anxious to promote a unitary vision of civic education and to undermine some of the attributes of pluralism, especially its openness to religious traditions. One should not forget that the most influential defender of a unitary vision in this century, John Dewey, was no friend of religious education and saw the progressive school teacher as the "prophet" of a new secular order. Dewey's heirs are hardly less enthusiastic in their ardor against religious faith. Defenders of pluralism thus have much to fear from the turn that modern discourse has taken. It would be the cruelest of ironies if the well-intentioned campaign against multiculturalism ended up claiming civic pluralism as one of its victims.

There is a further confusion in the meaning of "diversity" as it relates to educational policy. The word may make one think that multiculturalism favors pluralism in civic education—an impression strengthened by its critics' claim that it encourages each group to go its own way. But proponents of multicultural education do not in fact want black Americans to have one education in political matters, women another, and white Americans yet another. Instead, they have been pressing relentlessly for one version of the national narrative in which all students are instructed in the same painful story of Anglo-American hegemony and exploitation. Only after all receive this common foundation should each group repair to its particular concerns. Despite what the label suggests then, multiculturalism ultimately embraces a unitary, though anticivic, view of education—not a pluralistic one.

Civic republicanism

Another reason why the renewed civic-education campaign has favored a unitary vision derives from the connotations of the term "civic," which means literally of the city. From this starting point, it becomes all too easy to slide down a slope that connects the civic to the "public" and the "common" and thence to the governmentally or publicly run. This tendency has been reinforced by combining "civic" with the term "republic"—in Latin *res publica* or the realm of the public. Civic

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republicanism has been the central theme for nearly two decades of American historiography, where it has promoted a communitarian, as distinct from a liberal or rights-based, interpretation of the American tradition. For many of those calling for renewed civic education, civic republicanism has been interpreted to support vague notions of a national community and a unitary vision of American life.

Equating the civic with the state-run has also been encouraged by much recent political theory. The list of political theorists writing on civic education reads like a who's who of academia, and almost anyone who wants to address a major theme of democratic theory feels compelled today to put it in a discourse about education. The theoretical discussions of civic education usually begin from models that draw on the small republican political system as described by Aristotle and Montesquieu. Indeed, the very idea of "civic education" grows out of the connection with this kind of regime. As everything depends on education in a republican system—the city being formed more by the character of its citizens than formal institutions—it cannot be left to chance but must be legislated by the city. A parallel expression of the importance of education for the modern nation-state is found in the bold claim by Claus Offe that the citizen (or citizen-to-be) has three primary duties in the modern state: to pay taxes, to put his or her life on the line if called to do so for national defense, and to submit his or her mind to the state's version of civic education.

Discussions of the republican model would be useful for learning how to sustain a classical republic, no doubt. But the United States is not a republic in the classical sense—anything but. It does not share many of the basic characteristics of the classical republican states, which were small, homogeneous, and anticommercial. What is appropriate for the United States, therefore, cannot be derived a priori from anything said about them. The analysis of the kind of civic education America requires must rely on a more fundamental investigation that asks, first, what is appropriate to the character of our general type of political system (which is a liberal democracy)? And second—since general types never capture all that is essential about particular cases—what special arrangements and ways of thinking seem to "fit" here in the United States?

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Unfortunately, it is just this kind of contextual and historical inquiry that too many theorists have been reluctant to undertake. They have preferred, instead, to dwell on general models of civic education and then, when turning to America, to concentrate on the two American thinkers who most favored civic republicanism and who laid the foundation for a secular, unitary vision of civic education: Thomas Jefferson and John Dewey. Both men made important contributions in the field of education, yet both were far—in Dewey's case very far indeed—from building on the actual spirit of what had historically guided American civic education.

Because of this republican influence, modern discourse on civic education tends to favor, even if inadvertently, a unitary, national, and (often) governmentally run conception of civic education. And even liberal theorists who want to distinguish themselves from pure republicans by defending the right to a nongovernment education come close to acceding to the republican claim that only the public and common make up the genuinely civic. "Free choice" may be an appropriate defense of nongovernment education, but it is silent on the question of how to promote civic education.

Rise of the common school

If an alternative to republican discourse on the civic idea is to be discovered, it must be sought by supplementing the theoretical models with a more historical investigation of the practice of civic education in America. Such an investigation would demonstrate that the distinction between government and nongovernment schools in America, to which so much attention has been devoted, is inadequate for addressing the most significant issues about civic education. For that distinction is surely less important than the content of the different versions of the civic idea that have been put forward and the relationship that has existed among them.

There is no intrinsic meaning to a government or a nongovernment conception of civic education, and in fact, their different understandings have been far more contingent than one might think. Some conceptions of the civic idea that are found today in nongovernment school systems—above all, in certain Protestant schools—were once the core of much of the public

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education in America. Similarly, some parts of secular public education were first introduced by private schools. Finally, it is necessary to appreciate how "public" status has been used as an ideological or symbolic weapon in contests among competing ideas of education. Public or government status has sometimes been sought to claim a higher ground for a particular conception—a ground that is said to constitute the only true "civic" position, while all other positions are said to be noncivic. In practice, then, what is deemed the civic is not always the cause, but often merely the result, of its public status.

Throughout much of our history, the bright line that is drawn today between public and private systems simply did not exist. Outside of Massachusetts, which had a highly developed public system from the 1840s, schools were often of a mixed character. Many schools were started and administered privately, usually by church denominations, but were funded in part or wholly from general taxes. Until the last decade of the nineteenth century, Catholic schools in a number of states still received public support, and, in many rural areas, the "public" school might have been denominational.

The evolution toward universal, public-funded education thus occurred in many parts of the United States before the advent of what is known as the common-school movement. That movement was unique, however, in its vision of a certain kind of education for certain civic purposes. The common-school movement, as a general ideological project, can trace its origins to Jefferson, but it was Horace Mann who led the efforts to make the common school a reality. The essential feature, for Mann, was that there should be a common experience dictated by the state. In his view, the child belonged to the state until such time as the child's—the future citizen's—proper development was ensured: Only "after the state shall have secured to all its children, that basis of knowledge and morality, which is indispensable to its own security ... may [children] be emancipated from its tutelage." From conviction and considerations of prudence, Mann chose to keep religion in the schools, as he thought it would promote sound morality. He hoped, however, to make its inclusion acceptable to all—or, at any rate, all Protestants—through nonsectarian religious instruction and Bible readings with minimal commentary.

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Besides the goal of promoting an industrious, skilled, and educated populace, the common-school movement sought to achieve two slightly different, though overlapping, objectives of civic education. One was to provide a vast and sprawling nation, which included a substantial and growing immigrant population, with a common cultural foundation and a common attachment to the nation's principles. Education would serve as an instrument to build the nation and to "Americanize" the populace, in particular its non-native elements. The other objective was to inhibit the formation or perpetuation of traditions that resisted this Americanization, such as instruction in non-English languages or the teaching of doctrines indifferent to, or subversive of, the system's basic principles. Although a few such antidemocratic institutions may have existed, these hardly were significant enough to pose a major problem.

To the extent that serious problems arose, they were often of the common-school movement's own making. The attempt to enshrine the common school as the sole legitimate purveyor of the American civic idea had the effect of creating its own resistance. For those who believed that a fully religious education in their own faith was needed, and for those (mostly Catholic) who argued that submitting to readings from a Protestant version of the Bible was not really neutral, the "common-school" ideal proved unacceptable. Intended to unify, it proved divisive; and, in what amounted to a self-created spiral of conflict, the resistance of some to the public school orthodoxy was taken by others as proof of their anti-American inclinations.

However defensible, even laudable, the goal of Americanization may have been, the common-school movement crossed a fateful threshold when it sought to make the public school the self-proclaimed sole carrier of the civic idea. This error was compounded when some states (such as Oregon) passed laws banning private education, an exercise of authority that was declared unconstitutional by the Supreme Court in *Pierce v. The Society of Sisters* (1925). While the *Pierce* decision placed limits on how far the common-school movement could utilize the state's coercive power, it did not—and could not—limit efforts to use the "public" status for the symbolic purpose of seeking ownership of the civic idea.

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Return of the faithful

The Catholic Church, with responsibility for administering the largest nongovernment school system, had the greatest stake in challenging the common school's pretensions. Prior to the widespread acceptance of the common school, Catholics had argued that education should be state-funded but run by "private" institutions—which, in practice, included mainly the different religious groups. In this view, the school should be an extension of the family, not a creation of the state. A diverse group of schools under private control did not mean that civic education would be ignored but that it would take place inside of, and in accord with, the traditions of each institution and its understanding of America. The civic idea would grow up from these different institutions, rather than be defined by the state.

However, after the common school achieved broad acceptance, the Church dropped its opposition to public schooling. Yet it refused to acquiesce to the common-school movement's overall ideology, insisting that nongovernment schools had a role to play in defining the civic idea. Responding to the excesses of the Americanization movement of the 1920s, which labeled the Catholic school "a destroyer of American patriotism," Catholics counterattacked with the rhetorical motto, "For God and Country." More importantly, they began to elaborate a philosophical argument in defense of pluralism. Emphasizing the long history and continuing reality of diversity in American education, they sought to elevate the idea of the right to a nongovernment education into the broader notion of a positive civic contribution. In his widely acclaimed *We Hold These Truths*, John Courtney Murray articulated this view as one in which different conceptions of the civic idea, some "private" but all respectful of the nation's core principles, add strength to the nation. "The one civil society contains within its own unity the communities that are divided among themselves; but it does not seek to reduce to its own unity the differences that divide them. In a word, the pluralism remains as real as the unity." In a pluralistic society, he continued, the working out of such differences is in itself an exercise in civic virtue.

Common-school enthusiasts, however, continued to regard civic pluralism as a threat, proclaiming that genuine unity could only be achieved through a shared experience in the

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same system. Their objective remained universal enrollment in the common school, which was a goal that many, by the middle of this century, began to think was attainable. Transformed and modernized by progressive educational theory, a renewed common-school movement, after 1930, distanced itself from its de facto Protestant foundation and moved toward a stance of neutrality among the major religions. After mid century, the common school was winning more support, with urban systems like that of New York City coming closest to achieving the ideal of combining a heterogeneous student body with a high quality of instruction. This was the golden moment of the common school in America, and it was from the experience of this period that so many intellectuals acquired their devotion to it. Even the Catholic Church relented on its goal of "every Catholic in a Catholic school," and, pressed by financial burdens, it began to close down many of its schools.

The trend of increasing public school enrollment buoyed the partisans of the common school, giving them reason to think that their cause represented the wave of the future. But that trend has now ended. Participation in public schools, which had increased from 85 percent of elementary school children in 1960 to 90 percent in 1975, dropped in the mid 1980s a couple of points, where it remains today. Of course, this means that the vast preponderance of American children attend government schools. But, for the partisans of the common school, this is not enough, as anything less than progress toward the goal of universal enrollment marks a defeat. Can their old dream be revived? The common-school movement today sees a glimmer of hope in the new enthusiasm for civic education, which they seek to harness to their cause. But to do so, the movement—which lost its sense of the civic by embracing multiculturalism and individualism—must return to its roots, once again giving expression to a common civic idea. Hence Benjamin Barber's refrain: "Public schools are ... institutions where we learn what it means to be a public and start down the road toward common national and civic identity."

The reality, however, is that doubts about public schools have been growing in recent years. A direct concern with civic education has been only one factor in this development. For many parents, the primary issues are the security of their

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children, the overall quality of education, and the general absence of firm standards in the common-school environment—though these problems arguably are related to some of the same philosophic ideas that have promoted the anticivic orthodoxy. Other parents favor nongovernment schools for reasons that relate more specifically to religion. The full realization of the secular elements of Progressive educational theory and the federal courts' insistence on a strict separation of church and state have moved public schools away from their earlier stance of neutrality toward religion. As some Catholics once argued that they were pushed from the public schools because of the schools' Protestant foundation, so many of the faithful today think they are being pushed from public schools because of the schools' hostility to religion. Finally, with a possible fourth religious awakening underway in America, more Americans have come to believe that true character education must be explicitly religious.

Proponents of the common school today deplore this evolution toward nongovernment schooling and attack all proposals, from providing vouchers to offering tax incentives, which might encourage it. Appealing to fears inspired by the very doctrine of multiculturalism that the public schools have promoted, defenders of the common school express their concern about the increased "tribalism" that would result from more private education. Their concern is being echoed by many political theorists who, reasoning in the abstract from their republican-inspired models, point to the possibility of groups' exercising their autonomy to institute educational systems that ignore or subvert the civic idea. Evidence of this possibility is adduced from history, as in the great educational battles between the "republics" in Mexico and France and the Church. Or partisans of the common-school ideal point to certain rare cases where religious sects, such as the Hasidic, profess indifference to the things of the political world, or where a few all-white or all-black groups teach a separatism of the races and a superiority of their own race. The only way, it is said, to deal with these possible problems, and to assure a consensus, is for public authority to maintain control.

But reasoning from hypothetical cases or a handful of exceptions is no substitute for an inquiry into the real behavior

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of the overwhelming majority of America's various communities. These have shown not only that they want to uphold the nation's founding principles but also that, given the opportunity to establish institutions, they have a real inducement to give expression to the civic project. The enormous amount of wealth and human energy that different communities have invested in cultivating a civic sense is amply illustrated in the network of nongovernment institutions of higher learning. None of this means, of course, that every and anything must be permitted. As the Court said in *Pierce*, states may require "certain studies plainly essential to good citizenship" to be taught and may ban instruction of doctrines "manifestly inimical to the public welfare." But there is all the difference in the world between a state that proscribes certain teachings and one that prescribes a single approach.

Civic choice

The existence of nongovernment schools, each having a somewhat different perspective on America, only marks a crisis for civic education when seen from the perspective of those who equate the civic idea with a common vision acquired through a common experience in a common system. Such a view has overtones of both despotism and socialism: despotism because it demands one idea imposed by the state, and socialism because it regards the nation's children as a collective resource to be distributed by the government to obtain a collective good. A common educational experience, nonetheless, has some appeal. As a practical matter, however, the existing arrangement of public education does not come close to providing that experience. The socioeconomic distribution of America's population and the method of determining the boundary lines of public school districts guarantee that many children attend public schools that are relatively homogeneous along racial and class lines. Any plan to establish a truly common experience would require massive centralization, as well as a ban on opting out of the system. As for the nongovernment schools, they are—as the sociologist James Coleman has shown—much more diverse in terms of race and class than has been thought.

In the context of the current debate on education, the argument for a common experience represents little more than

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a rhetorical effort to capitalize on the growing enthusiasm for civic education and to attach the notion of the civic to the old argument for the supremacy of the common school. The principal alternative today to this position is represented in the school-choice movement. Although this movement has won some impressive legislative battles in certain states and cities, it has not fared as well in the war of ideas. Its very name, "school choice," conveys a demand to exercise a right, perhaps even a right of withdrawal, rather than of a full claim to participate in the articulation of the nation's public mission. The movement has based its positive case on the technical claim that it can give us better schools that will improve performance on proficiency tests. If true this would certainly be an important benefit. But it does not go to the heart of the matter, which is to make a renewed case for the pluralist understanding of how the civic sense should be defined and constructed, not only in education but throughout society.

The revival today of the idea of civic education is a healthy development, above all because it promises to undermine the anticivic orthodoxy that has prevailed in many of our schools over the past generation. But it contains the danger, already evident in much of the emerging debate, of shifting national thinking toward the notion that the civic must be single and public. This premise denies the history of American education, in which a sense of national unity has been promoted through the mutually reinforcing traditions of public and private schools. It also denies the genius of the American political system. Properly conceived, the civic ought to refer to a spirit of public concern and of public regard, not to one set of ideas defined by the government. In the final analysis, the real threat to American unity lies not in the existence of multiple civic ideals—even when they are engaged in an energetic and rancorous debate—but in the absence of civic engagement or in the standardization of the civic idea.

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The Peace Corps' wonder years

CHARLES MURRAY

ASKING a former Volunteer to review a history of the Peace Corps is like asking a former GI to review a history of World War II. You're likely to get a lot of war stories. I will try to keep myself in check, but some basic disclosure is in order. I joined the Peace Corps in June 1965, right after obtaining my BA in History, and was assigned to the Village Health and Sanitation Project in Thailand. Twenty-three years old at the time, I received three months of training in the Thai language and Thai culture, both of which were taught rather well. I also received training in the manufacture and installation of the concrete water-seal privy, taught sketchily. I was then dispatched to Thailand, where after the first two months, I was so miserable that I envied a fellow Peace Corps Volunteer (PCV) who was nearly killed in a traffic accident because he had thereby acquired an honorable way to be sent home. After another month, I had grown to love Thailand and not only completed my two-year Peace Corps hitch but stayed in Thailand for another four years working on the research side of rural development.

The title of Elizabeth Cobbs Hoffman's book, *All You Need is Love: The Peace Corps and the Spirit of the 1960s* † is apt. It rightly warns the reader that this is going to be a book that is long on nostalgia and short on crisp logic. She puts any doubts to rest with the prologue, in which she states that looking at the history of the Peace Corps is a way to "a better understanding of the ways in which the United States can appropriately express the humanitarian ideas emblematic of its culture, neither exaggerating the nation's adherence to them nor denying that they matter very much." The language is hard to decode, but the idea seems to be reflected in the rest of the book: Expressions, emblems, and humanitarianism are all hugely

† Harvard University Press. 306 pp. $27.95.

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important, more or less independently of whether the Peace Corps got any work done.

HOFFMAN'S opening thesis is that America of the 1950s set the stage for the Peace Corps. As a culture, America was in dire straits, a place where "just about anyone in a position to ponder the state of the national soul feared it was in danger." It was the decade of *The Organization Man*, *Rebel Without a Cause*, McCarthyism, and the Ugly American. But, as Hoffman sees it, America was also a country whose intellectuals and youth were deeply affected by existentialism, the source of renewed commitment to individual responsibility among young Americans. Camus, in particular, is said to have "managed to make love manly, idealism a form of survival, and social responsibility an expression of individualism"—and, similarly, "Peace Corps made it possible to be idealistic without seeming foolish."

These are some of the reasons, Hoffman argues, that John Kennedy's extemporaneous invention of the Peace Corps idea at a campaign stop in Ann Arbor evoked such an instant response. The Peace Corps was in this sense the authentic opening of the 1960s, heralding "the emergence of a global grassroots movement that directed its arrows at racial inequality, poverty, and the rule of 'experts' who had created a war machine capable of ruining the planet." She follows this with the most acute observation in the book: "The Peace Corps is thus perhaps the quintessential social reform institution of its unusual decade."

As one thinks back on the long list of 1960s social reforms that now seem so naïve, the Peace Corps did indeed show the way. Hoffman can never bring herself to be harsh about it, but she provides plenty of material to make the point: Like the premises of so many programs to follow in the War on Poverty, the premises on which the original Peace Corps was founded now look just plain wacky. Consider afresh what the Peace Corps proposed to do. First, it would recruit primarily among new college graduates (i.e., they would be immature kids). These new college graduates would be drawn overwhelmingly from among those who had majored in one of the liberal arts (i.e., they would have no useful job skills). They would be given three months of training (i.e., they wouldn't have enough time to learn anything well) in specialties such as English teaching, community development, malaria eradication, water resources, sanitation, and infant health. They would initiate

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projects that responded to the needs of the local people (i.e., they would make judgments about needs determined by local conditions, economic constraints, and social norms utterly alien from anything the PCVs had ever experienced). They would serve as "change agents" (i.e., they would try to affect the behavior of local co-workers who were almost always older, more experienced, and more skilled than they).

HOW could anyone have believed that such PCVs, put in such situations, could accomplish anything? Without reading a word of Hoffman's book, without looking up a single Peace Corps evaluation report, who do you suppose the most successful PCVs were? Right. The ones who were assigned to jobs as English teachers. PCVs assigned to teaching jobs had a concrete task to do, at specific times with specific pupils, using a skill (speaking English) at which they were competent. And many developing nations genuinely needed English teachers.

How do you suppose the other PCVs fared? Right. They floundered, as Hoffman describes at length. In the earliest years, the PCV was often dropped into a village with no job at all. By the time I joined the Peace Corps, I at least theoretically had a job—I was to go to work every day at the Northern Regional Center of the Village Health and Sanitation Project. But what was I supposed to do once I got to my desk? The answer is tag along, for I wasn't qualified to do anything else. Maybe, after several months of tagging along, the PCV could take on some of the tasks in a village project. That would be a highly successful PCV. The median definition of success was someone who was liked by his co-workers and didn't get in the way.

It wasn't our fault, we tried to convince ourselves, and we were usually right. Hoffman correctly describes a population of PCVs that included the occasional draft-dodger but mostly consisted of kids who joined for the right reasons and tried hard. We weren't all failures, for that matter. We had the occasional star who became so adept in the language, so attuned to the culture, that he could bridge gaps that other Americans could not. The number of PCVs who extended their stays indicates that some people found useful jobs to do. But if one is to count such successes, one must also count those who made matters worse—the PCV who antagonized villagers, who goofed off, who took advantage of his position as an American to make life difficult for his co-workers. Hoffman does not give much space to the Peace Corps' own version of the Ugly American, but we had them, and, judging from my experience, they were at least

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as numerous as the stars. Even lacking more systematic evidence, the report card for the usefulness of the Peace Corps for the host countries during its first decade seems fairly straightforward: positive on the English teaching, no better than "no net harm" on everything else.

It is not until Chapter 8, more than 80 percent through her text, that Hoffman gets past the Johnson administration. But this is when the Peace Corps story got interesting. In the 1970s, and continuing into the 1980s, the Peace Corps shifted its recruiting from new BAs to people with job skills, including couples and older people. In such cases, reality had a better chance of matching up with the Peace Corps' rhetoric. In our group, we had just one PCV who wasn't a new college graduate, an ex-contractor in his forties (who, coincidentally, was assigned to a Northeast Thai town that he had bombed in World War II). The Thais had no problem finding work for an ex-contractor to do. Or there was the case of the couple I came across some years after I had completed my own Peace Corps hitch, living in a village just like the first PCVs. The wife was a registered nurse who was not only staffing a health clinic but who had given birth to her baby in the village and was raising the infant in daily view of the village women. By all accounts, she was teaching lessons about infant nutrition and preventive health care very effectively.

A Peace Corps consisting of this kind of volunteer would be a wholly different organization from the one I experienced. We know, because Hoffman mentions it, that the policy shift toward better job skills and job definition took place in the 1970s. But she doesn't tell us much more than that. Where are the survey data that must be available about the difference between the backgrounds of incoming PCVs in the 1960s, 1970s, and 1980s? Where are the evaluation data that must be available about how well they did? Hoffman doesn't describe them.

FOR me, the most fascinating of all questions about the Peace Corps is what it has done for America. Hoffman tantalizingly cites one survey showing that 10 percent of the participants in each new class of foreign-service officers, 40 percent of staff at the Agency for International Development, and more than a dozen U.S. ambassadors are former PCVs. But that's only the tip of the potential impact. Permit me two final war stories.

The first is about one of my Peace Corps buddies, a star

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who spoke flawless Thai in three dialects and had an intimate understanding of things Thai. He returned to the United States and became an agent for the Drug Enforcement Agency (DEA). After rising in the ranks, he was eventually assigned to Thailand as the DEA's chief liaison officer in the Golden Triangle. It is easy to believe that his Peace Corps experience made him dramatically more effective in such a sensitive job than the ordinary DEA agent would have been. The second story is about me. It was because of my Peace Corps experience, watching a government program from both the administrators' and villagers' points of view, that I first became fascinated by the discrepancy between what bureaucrats think they're accomplishing and what is actually happening in the field. That experience was instrumental in shaping my way of thinking about social policy, which in turn, for better or worse, has been expressed in the books I have written.

Altogether, about 145,000 former PCVs live among us. A large proportion of these people, some of them now holding influential positions in business and government, presumably have had their way of looking at the world similarly shaped by their Peace Corps experience. How large and extensive that impact has been is clearly a question worth investigating. Frustratingly, Hoffman does not. Hoffman's account shares many characteristics with that quintessential 1960s organization she describes—pleasant but unfocused, with many narratives to tell but not much system or method, more concerned with aspirations than accomplishments. But well-intentioned.

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French salons/American saloons

DIANA SCHAUB

IF a man's word is his bond, what of a woman's? Are the words of women—whether promises or not—less credible or less weighty? Mona Ozouf does not think so. She proposes to take women at their word, not all women (that might indeed be foolhardy), but certain select women. In *Women's Words: Essay on French Singularity,*† Ozouf listens attentively to the conversation of ten French women of letters, five of them born before the Revolution (Mesdames du Deffand, de Charrière, Roland, de Staël, and de Rémusat) and five after (George Sand, Hubertine Auclert, Colette, and the two Simones, Weil and de Beauvoir). Relying mainly on memoirs and correspondence, she listens in particular to what they have to say about themselves as women and about the larger questions of female destiny and autonomy.

Ozouf's biographical project gives rise to a perplexing question: Why is the French take on what used to be called "the woman question" so distinctly different from the Anglo-American? Why was French feminism so little occupied with suffrage, and why is it today so comparatively mild and so much less man-hating? According to Ozouf, French feminists, even academic feminists,

> lack the militant thrust that transforms female unhappiness into a badge of honor; they do not adopt an aggressive tone. They do not oppose men, collectively guilty, to women, their collective victims.... The ordinary discourse of feminism in America ... is unacceptable in France, where we have difficulty believing that violence is lurking behind every exchange between men and women or that mere verbal insistence on the part of men is sufficient to constitute rape.

The book concludes with a fascinating "Essay on French Singularity," promised by the subtitle, in which Ozouf attempts

† University of Chicago Press. 300 pp. $29.95.

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to account for the unique path of French feminism. It is a journey for which Montesquieu and Rousseau serve as philosophic escorts.

In taking seriously "women's words," Ozouf finds herself between two camps and in opposition to both. To her rear are the traditional male practitioners of the genre of the woman's portrait, authors such as C.A. Sainte-Beuve and Jules Michelet, whose sentimental and idealized sketches rarely delve into their subjects' recorded thoughts. Sainte-Beuve is explicit about his disinclination: "He argues that the woman's portrait escapes the genre of literary 'criticism,' which is too brutal a word, he thinks. One has only to love, to sympathize, to produce a few light pages." Oddly enough, contemporary vanguard feminists are equally dismissive of distaff dialectics, since they believe that whatever women of the past said, it was necessarily subject to male determinations and thus inauthentic. While one group swathes female authors in the diaphanous robes of the eternal feminine, the other regards them as held within the straight-jacket of patriarchal false consciousness. Neither really bothers to listen to women's reasonings.

OZOUF'S desideratum is to understand the author as the author understood herself. Although she does not use that formula, her more nuanced version is every bit as challenging of contemporary assumptions. Here is her elegant defense of her method:

> It is these immediately original voices I wish to make heard. That supposes first of all that I capture them as faithfully as possible, thus breaking with the violent prejudice that disqualifies what men and women say they do, as if they were always and everywhere the least well placed to understand their own actions, as if we had to take their words for dissimulation or naiveté. For although it seems reasonable not to take witnesses at their word, to suppose that they do not always know the truth about their own lives, and to question their lucidity, it seems unreasonable to refuse them that truth while granting it generously to the most mediocre of their interpreters. Before giving in to the movement of mistrust and arrogance, let us wager that there is something to cull from what they truly have to say.

It is a wager she wins. The portraits themselves—engaging mixtures of incident and reflection—are beautifully crafted (and beautifully translated by Jane Marie Todd).

Much depends on her choices. Henry James, reviewing the English translation of Sainte-Beuve's *Portraits of Celebrated*

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Women, felt there was "something sad and spectral in the sight of these poor old French ladies, summoned from their quiet graves, deep in the warm and comfortable soil of oblivion, and clad afresh in the chilly drapery of our American speech." James's sensibilities would be even more offended today when so many academics spend their careers in history's proverbial dustbin gleaning what they can from the mute inglorious Miltons and, more especially, the lady Miltons, presumed to have been forcibly muted. But Ozouf (whose most recent book is on Henry James) would, I believe, meet even his rigorous standards. She improves greatly on Sainte-Beuve's decemvirate by selecting women worthy of posterity and publicity. Her women are all "exceptional"—women who felt the conflict between fame and love in their lives, but who in their deaths could not be understood to prefer the "soil of oblivion." Indeed, Ozouf's ladies seem delighted to be back in society again. They are luminous.

Aside from receiving the attention due them, they help us by delivering a sentimental education of sorts, one that highlights the diversity of female character. Ozouf says that she herself (rather like Montesquieu's Persian travelers upon encountering the women of Paris) became convinced "not of the fixity of a shared female destiny, but rather of the inventive variety of individual paths." To speak of female multiformity is not to deny the existence or force of nature, but it is to say that these are daughters of Eve, engaged in complicated relations with God, man, and devil. Each has her own view of, and experience of, love, marriage, and motherhood. Some were happy, others "tumultuously unhappy." Ozouf includes hedonists and ascetics, rebels and the peaceable, "the nasty and the conciliatory, the obstinate and the absentminded, the prosaic and the imaginative, the tender and the despotic." Her portraits have the reality of characters in good novels, who become our companions and guides (sometimes by negative example). All of which is to say that Ozouf herself is a sure and knowing judge of human character. In telling these lives so deftly, she better equips us to lead our own lives. As a stylist, she may not quite equal Sainte-Beuve, but she far surpasses him as a moralist, being more in the mode of Plutarch.

Surveying the wide array of opinion among her French heroines, Ozouf discerns a few commonalities: the importance of conversation (to a certain extent, a conversation with one another across the generations) and writing ("a talisman against the mediocrity and monotony of female existence"), a faith in female education, and the "keen awareness of the present

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moment" and "recuperative genius" that is part of "the feminine art of managing time." They shared as well the encounter with the works of Rousseau.

Despite some quarrels with him, on the whole they responded enthusiastically; Ozouf ventures to say that Rousseau "changed the lives of all these women." One is astonished by the distance between these bluestockings-of-old and contemporary feminists—for Rousseau is today the most reviled of the DWEMs (dead, white, European males). Of their receptivity, Ozouf says:

> These women did not at all see Rousseau as a man who tirelessly justified their dependence, but, on the contrary, as the man who imagined a remedy for it, by substituting a voluntary dependence for a dependence to which women simply submitted. The social subordination of women was in their eyes sufficiently illustrated by the degrading practice of marriage—their own marriages very often—in which young women could not dispose of their persons according to their own inclinations. The subject of *La nouvelle Héloïse* is precisely how one makes that unbearable dependence a willful master achievement.

Regardless of their French predilection for taking lovers, these women were drawn to the Rousseauean ideal of conjugal bliss in a union combining love and friendship.

So what difference does being French make? Is French singularity summed up in that quintessential French phrase: *vive la différence*? Well, yes and no. Ozouf does believe that the French graciously accept and enjoy sexual difference. Paradoxical as it may seem, however, she suggests that their ease comes from not making too much of it, from subordinating sexual difference to an overriding conviction of human equality. French feminism, heir to the Revolution, is universalist and individualist. As Ozouf explains:

> If we grant Frenchwomen the force of this primary conviction—they see themselves first as free and equal individuals—we understand that, sheltered by such a conviction, they can experience sexual difference without resentment, can cultivate it with joy and irony, and can refuse to essentialize it.

By contrast, Anglo-Saxon feminism is drawn to extremes, either denying any differences (and seeking to assimilate women to men) or fetishizing differences (in the manner of the female chauvinists of both conservative and radical stripes). In other words, in France, equality feminism and difference feminism

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are not at odds, since equality is understood quite abstractly and not as a demand for literal sameness. Difference, moreover, is not conceived in political terms. Differences are precious rather than empowering. Unlike the American feminists who have embraced an identity politics founded on claims of victimization and calls for group rights, women in France don't think of themselves as a persecuted collective. Ozouf suggests that American feminism's abandonment of universalism owes something to America's being "a land of minorities, where the women's movement has established alliances with other sexual and ethnic minorities." (It would be extraordinarily interesting to trace the influence of the black struggle on the women's movement; they do seem to move in tandem, from early feminism and abolitionism through the women's movement and the civil-rights movement to Black Power and radical lesbian separatism.)

Although Ozouf acknowledges that radical feminism has some French founders and partisans, she insists that French "differentialists" (like Hélène Cixous and Luce Irigaray) are confined, and very narrowly, to the academy. Even there, their influence is negligible, in part because their language is so impenetrable. Ozouf testifies that in France,

> no woman (or man) has proposed to rewrite the universal history of letters, arts, and sciences from a strictly female point of view. No woman would imagine interpreting the great works as androcentric; no one would undertake to read Racine and Montaigne as representatives of a white male ideology.... French feminism has resisted the complete revision of the lexicon and of syntax undertaken in certain American universities.

Education has not been a site of contestation. French women, despite their slowness in getting the vote (in 1945, later than women in Turkey and India), have been in schools and universities in force for a very long time (by 1924 men and women in France received identical secular educations), and in the salons for centuries before that. For them, the act of matriculation has meant a genuine joining (being born again from the womb of the alma mater). They have entered without destroying, unlike a fair number of American university women who have toted the Trojan horse of "curricular transformation" into the hallowed precincts.

Ozouf wonders whether radical feminism has had more purchase and more punch in America precisely because of America's republican tradition of rather strict sex segregation and "domestic reclusion." She rightly notes that radical feminism is

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not of recent vintage but was already visible to Henry James in the 1870s, "incarnated in the emblematic figure of Olive Chancellor." Whereas France had salons where the sexes freely mixed for repartee and romance, America had saloons for men and sewing circles for women. When these straightlaced and rather grim American women entered public life, they found plenty to object to. Female suffrage promised to tidy up (via temperance and antiprostitution measures) a pretty coarse public square (remember those spittoons in the halls of Congress). That reformist impulse continues. American feminists, members of an admirably direct and can-do people, continue to reform and transform themselves, their men and children, the institutions of public and private life, and whatever else they can get their hands on, including God him/herself.

IN France, despite the Revolution, something of the vivacious and civilized spirit of the *ancien régime* always remained. Tocqueville feared that these old habits of easy familiarity would take on new forms under the revolutionary impulse of extreme democratization. He "worried that the mixing of the sexes in French society might be pursued to the point of indifferentiation," with men and women sharing the same rights and duties, resulting in, as Tocqueville memorably said, "weak men and disorderly women." He much preferred the American practice of separate spheres, thinking that "the exaltation of female difference ... protected democracy from itself," by arresting democracy's tendency toward homogeneity (in sexual terms, androgyny).

Ozouf regards Tocqueville as mistaken, for it is in France, not the United States, that relations between men and women are healthier. On her reading, France possessed, and was lucky to possess, three different models of women's participation: "social mixing, domestic reclusion, and an egalitarian sharing of tasks and functions." The synergy between them has turned out to be positive, allowing for a firm belief in the equality of individual rights coupled with a recognition of, and delight in, gender differences. One gets the impression that the voice of this moderate feminism owes much to what Montesquieu called "the general spirit" of the French nation—a nation marked above all by its "sociable humor," a nation flirtatious and gallant, in which the feminine tone predominates, establishing politeness and taste.

But Ozouf wonders how long French women can hold out against the particularist feminism of America, especially now

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that it has joined forces with the postmodern attack on "truth." Will French women sacrifice their aspiration to universality in order to shut themselves up within the bounds of subjectivity? Will they trade the art of conversation for the tiresome monologues of identity politics? Ozouf's final lines make clear her hopes for the future:

> Spending time with the ten ladies of this book has armed us against such a belief: the words they have bequeathed to us, written by women, written about women ..., were not written for women. They were written for everyone, in the hope of exchange and in the certainty of a language held in common and of a shared consciousness.

Women's words can speak to men, and French singularity testifies to universality.

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Home of the tolerant

WILLIAM A. GALSTON

ALAN Wolfe has long been one of America's ablest sociologists. With his latest book, he emerges as one of our most important public intellectuals as well. In two years spent talking with middle-class Americans in eight communities around the country, he finds little evidence of a "culture war" or even of significant moral disagreements between Left and Right. Instead, he finds individuals struggling to find a new balance between tradition and modernity, between moral principles and individual choice, between religious commands and personal need. If there is a culture war, he concludes, it is within individuals, not between them.

This new middle-class morality is resolutely modest and unheroic. It is a morality based on personal experience rather than abstract norms. Its temper is pacific, not martial. It is expressed as "quiet faith" in religious matters, "mature patriotism" in civic life, and "ordinary duties" in economic and social affairs. At its heart is a pervasive belief in tolerance as the best basis for respectful coexistence in a free and diverse society. It thus stands opposed to judgmental creeds, whether of the liberal Left or fundamentalist Right, which threaten to repress individual liberty and divide us as a people.

The early reception of *One Nation, After All*† has been rapturous praise from social conservatives, populist liberals, and communitarian centrists alike, reviews that most authors would die (or kill) for. Although I'll suggest that this early response failed to ask some of the tough questions, this book has earned its favorable notices. Its stance of attentive listening to the people offers a welcome reprieve from bombastic, fact-free assertions about where the people would follow if only liberals (or conservatives) had the guts to lead. And its portrait of a free people devising new ways of living together

† Viking. 384 pp. $24.95.

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in harmony captures the mood of a public that is (if recent surveys are to be believed) fed up with partisan political combat and eager for compromise.

A wonderful example of Wolfe's openness to fact comes in the chapter on suburbia. He views suburban life not through the normative prism of the New Deal urban experience but as it appears to suburbanites themselves. For many of them, suburban existence does not represent a "flight" from the city. Rather, they grew up in the suburbs, and it is only natural that they would want to continue to live there.

There are others, however, for whom removal from urban ills is a central motivation. Wolfe begins the chapter on suburbia with a lengthy series of interviews that seem tinged with indifference to the poor, and even racism, and then reveals that every one of the interviewees is black! "It is among blacks," he concludes, "that the middle-class withdrawal symptom—the tendency of middle-class people to flee from the problems of the inner-city poor—is most pronounced."

I MUST confess that I read this book with a sense of personal vindication. About 10 years ago, with little to go on except a gut instinct, I advanced the thesis that most Americans are what I called "tolerant traditionalists," opposed both to moral experimentalism and to the use of state or social power to coerce individuals who deviate from majority norms. Wolfe's research provides considerable support for this contention, which helps explain how ideologues can lose their balance in contemporary American politics. Doctrinaire liberals sometimes push tolerance so far that they are perceived as moral relativists; doctrinaire conservatives sometimes emphasize traditionalism so firmly that they come across as repressively intolerant. Swing voters in 1984 didn't much like the San Francisco Democrats; eight years later, they turned away from the Houston Republicans.

Wolfe doesn't go into great detail about the implications of his findings for the future of American politics, but the basic point seems clear: Any party that permits itself to be captured by its most morally ardent base voters will be punished at the polls in a national election. A generation ago, Democrats were embroiled in a war between liberals and moderates on social issues while Ronald Reagan managed to forge a modus vivendi between Wall Street, Main Street, sunbelt libertarians, and southern social conservatives. As late as the 1988 election, George Bush was able to campaign as the representative of the moral mainstream while depicting Michael Dukakis as an ex-

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treme liberal on social issues.

Today, the position of the two parties has been reversed. By breaking with social liberalism in key areas such as welfare, crime, drugs, family structure, and school discipline, Bill Clinton has made the national Democratic party acceptable once again to suburban voters. Many Democrats have learned to speak in these soothing "New Democrat" tones, some out of convenience, others (especially younger elected officials) from sincere belief that the politics of the next century requires it. Meanwhile, Republicans have encountered severe difficulties managing their enlarged coalition, with social conservatives such as James Dobson and Gary Bauer intensifying pressure on the party's congressional leadership to adopt stances that (as the leadership knows) will not sit well with middle-class suburban voters.

Why do broad-based political parties sometimes end up positioned against the majority of the public? The answer lies in the difference between the sociological perspective that guides Wolfe's research and the way American politics works. Disputing the "culture war" hypothesis, Wolfe suggests that it is "being fought primarily by intellectuals, not by most American themselves." Perhaps so; but these intellectuals are not speaking for themselves alone. For example, while the percentage of Christian fundamentalists espousing hard-line views on social issues may be small, it translates into millions of voters who attend grassroots meetings, man volunteer phone-banks, and turn out for primary elections. They form the kind of mobilized group that can influence party politics out of all proportion to their share of the electorate. Similar pressures have made it impossible for the Clinton administration to yield an inch to majority sentiment on issues such as partial-birth abortion.

WHAT are we to make of our moral condition at century's end? Wolfe is by and large encouraged by the decency, moderation, tolerance, and plain common sense of the Americans with whom he spoke. But he cannot help expressing some reservations about the new morality he describes. He criticizes the easy assumption that a morality based on family and neighborhood ties can provide adequate guidance for our public life. He observes a surprising level of self-pity, and a sense of victimization, among middle-class Americans—sentiments that prevent them from taking control of their own lives and from fighting back against the social forces they deplore. Indeed, he finds a "perverse pleasure in powerlessness" that pulls against

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effective involvement in public life. While middle-class Americans believe fervently in personal accountability, they take oddly little responsibility for what they see as wrong in their society.

Wolfe describes a new moral dispensation—the widespread belief that the cardinal virtue is tolerance and that it requires the systematic abstention from judging others. He reports that the New Testament warning, "Judge not lest ye be judged," was quoted to him in interviews across the country; this offers an important clue as to the motivation for the new morality. For Americans today, Wolfe suggests, unfettered choice is the key to the good life. They therefore oppose not only institutions and laws that restrict choice but also patterns of conduct that could lead individuals to interfere with one another's lives. If I voice disapproval of your choices, I legitimate reciprocal conduct on your part. I have more to lose from your limiting my choices than I stand to gain from my limiting yours. And thus I won't, unless your aggression forces me to defend myself.

Wolfe is not the first to discern the new moral centrality of unfettered choice in American life. Daniel Yankelovich, whom Wolfe cites, has done pioneering work on this topic, and the legal scholar Lawrence Friedman has traced some of its implication in *The Republic of Choice*. Wolfe does raise some new doubts about this moral stance; at one point, he comments that "as I listened to middle-class Americans speak about their fear of duties and their reluctance to judge, I could not help but conclude that a little Kant might be good for their souls." We live, he concludes, in a "morally mediocre society," and while we should never lose sight of its advantages, it is "a less than uplifting experience."

I THINK Wolfe pulls his punches a bit; the evidence he presents permits us to raise far more serious questions. A choice-based conception of social life leads to instrumental bonds, a cult of conflict avoidance, an absence of real engagement, and a loss of seriousness. Worst of all, it is hard to see how this new morality provides any basis for sacrifice, in either personal or civic life. Marriages are ended when they become inconvenient; religions are selected like new fashions in the mall and then cast aside when they cease to meet our personal needs. Forty years ago, young men assumed that they would have to serve in the armed forces, regardless of how they felt about it. Today, fewer and fewer have any experience (civilian or military) of service undertaken out of civic, moral, and legal duty rather

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than a personal quest for meaning (or college subsidies).

This new morality—do what you choose, when you choose, without fear of legal coercion or social disapproval—is an experiment without precedent in human history. Perhaps it will succeed; I doubt it. At some point, we will be called upon for sacrifices that we can't pay others to make on our behalf. And then we will see whether the self-protective nonjudgmentalism Wolfe so ably describes constitutes an adequate basis for a free society.

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More guns, less crime?

MICHAEL BARONE

GUN law is one of those areas of public policy—others are education, welfare, and crime fighting—in which national and local dialogue have sharply diverged. In each case, the "expertise" of the national elites who set federal policy is being challenged by the opinions of ordinary citizens who are increasingly winning at the state and local levels. Thus the U.S. Department of Education continues to give custody of federal education programs to the education schools and teachers' unions that have given us "whole language," new math, and bilingual education. These are the same ed schools and unions that have shielded teachers and administrators from accountability. But locally we are seeing an efflorescence of charter schools, vouchers, back-to-basics magnet schools, and home schooling. The Department of Health and Human Services for years resisted work requirements and other welfare reforms. But now that President Clinton has signed the 1996 Welfare Reform Act, the states and localities are free to innovate—and welfare rolls are rapidly shrinking. On crime fighting, most of the criminology profession insisted for years that "root causes" made high levels of crime inevitable and called for therapy-minded solutions like midnight basketball. But local mayors and police chiefs, most notably Rudolph Giuliani and William Bratton in New York, acted on the "broken windows" theory of George Kelling and James Q. Wilson, reducing crime by percentages almost no one thought possible—50 percent in New York in four years.

Similarly on guns: The national political dialogue has been dominated by demands for gun control, and in 1994, Congress passed, as part of a crime bill, measures increasing the waiting period for purchasing guns, requiring a background check (the latter was declared unconstitutional by the Supreme Court in 1997) and banning certain "assault weapons" based on their appearance. But these measures have had far less effect on

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public policy and—if John R. Lott, Jr., is right—in reducing crime than the 31 state laws, 23 of them passed since 1985, allowing law-abiding citizens to get permits to carry concealed weapons. These CCW laws cover almost half the nation's population (49.95 percent according to 1997 estimates).

LOTT first issued his findings in the January 1997 *Journal of Legal Studies* and now has published them, with responses to his critics, in *More Guns, Less Crime: Understanding Crime and Gun Control Laws.*† His article has aroused vehement protests from national elites advocating gun control, and so surely will his book. His findings would likely produce mostly silent nods of agreement from voters in the 31 states with concealed-weapons laws. While many national gun-control advocates would like to see the United States become a nation like Britain, in which few citizens own guns, gun ownership has been rapidly increasing—from 27 percent to 37 percent of voters in the 1988 and 1996 exit polls. Something on the order of 75 million Americans own more than 200 million guns.

For Lott this is good news. As he summarizes his conclusions: "(1) The average crime rate falls after the nondiscretionary concealed-handgun laws are adopted; (2) violent-crime rates were rising until these laws were adopted; and (3) the magnitude of the drops, both across counties and states and over time, corresponds to the number of permits issued." Concealed-weapons laws work, he argues, because "criminals are motivated by self-preservation, and handguns can therefore be a deterrent." The knowledge that potential victims may be armed deters criminals from crimes, and victims, by brandishing a gun or (much more rarely) shooting it, foil many attempted crimes.

It is a plausible argument, and Lott tests it with data from all 3,000-plus counties over the years 1977 to 1994—a far larger data set than in previous studies. Using sophisticated statistical techniques—he is an economist—he focuses on state and county crime rates before and after concealed-weapons laws were adopted. He then attempts to control for other factors—changes in other gun laws and in sentencing, arrest rates, crime rates, conviction rates, county population size, racial composition, percentages of males and females in particular age groups, unemployment and poverty rates. His conclusions, to oversimplify a bit, are that concealed-weapons laws significantly reduce violent crimes—murder, rape, robbery,

† University of Chicago Press. 240 pp. $23.00.

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aggravated assault—while having less effect on, and possibly even causing an increase in, nonviolent property crime—burglary, larceny, auto theft. He estimates that there would have been 1,400 more murders in concealed-weapons states in 1992 in the absence of those laws and 4,000 more rapes.

Moreover, he says, the positive effects were greatest in high-population counties and central cities, as well as among women and blacks. This makes sense. Blacks are disproportionately likely to be crime victims; women are vulnerable to physical attack; and central city law-enforcement officials, when they had discretion to deny concealed-weapons permits, almost always did so, and so the rise in the number of law-abiding citizens carrying concealed weapons was especially great there once issuance of permits became mandatory. As to the risk of concealed weapons being misused, Lott points out that in 1988 states that allow them had only 22 accidental gun deaths. In contrast, the 1994 Brady bill's waiting periods and background checks had no positive impact and may have led to an increase in rape and aggravated assault.

THESE are devastating results for national gun-control advocates, and they have responded furiously. Many charged Lott with being financed by the gun industry, although the Olin Foundation, which financed his research, has no connection with the Olin Corporation (one division of which manufactures ammunition). Critics charged that the whole positive effect he showed came from Florida, whose crime rate may have been affected by one-time events like the Mariel boatlift. But the critics included only a small number of counties in their reply, and Lott shows that his results are similar without Florida anyway. The critics' selectivity indicates they are less interested in accuracy than they are desperate to discredit this study in any way—and confident that an almost unanimously pro-gun-control mainstream media will cooperate with them.

My judgment is that the data and the political tide are on Lott's side—and I say this even though my instinctive preference would be to live in a country as free of guns as Britain. Indeed, many of the arguments of national gun-control advocates are arguments not for the measures they propose, which have made only the most marginal impact on the number and availability of guns in the United States, but for the elimination of guns altogether. With so many guns available, legally and illegally, waiting periods and background checks are not going to prevent tragedies like the shooting of Jim Brady or

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the murder of Representative Carolyn McCarthy's husband or the killing of the two Capitol Police officers. But guns will never be eliminated from the United States. The government is not going to seize the 200 million guns now in private hands. And whatever the distaste of the legal elite for the Second Amendment, it stands somewhere in the way between a law prohibiting private possession of nuclear weapons and one depriving citizens of all guns.

So we must learn to live with guns, and John Lott seems to be right that we will be better off with more of them in the hands of law-abiding citizens. His argument is like Charles Krauthammer's observation that nuclear deterrence is more stable when two nations have large arsenals of nuclear weapons (the United States and the Soviet Union) than when they have very small numbers (India and Pakistan), because in the former case, any first strike is deterred by the likelihood of a response in kind. Similarly, criminals are less disposed to murder, rape, and rob when they know that their intended victim might carry a gun.

More Guns, Less Crime left me feeling in the end heartened. National gun-control advocates, like the nuclear-disarmament advocates of a few years ago, have a "stuff happens" attitude toward their fellow citizens: If there are a large number of handguns around, Americans will be irresponsible or incompetent enough to misuse them. More guns must produce more killings, because ordinary people can't be trusted. Advocacy of concealed-weapons law, in contrast, is based on trust in the responsibility and competence of ordinary people. True, there will be tragic accidents with guns, as there are with automobiles, swimming pools, and space heaters, but not very many; there may be occasions, though a pro-gun-control media hasn't found one yet, when a concealed-weapon carrier shoots a bystander by accident or goes berserk and starts shooting into a crowd.

But I think the trend is clear. Even while the national elite talks about controlling guns, the concealed-weapons movement will make gains. It will not prevail in New York or Massachusetts any time soon, and it may be slowed by the sharp drops in the crime rate if fewer people feel an urgent need to carry a gun in self-defense. But it has already prevailed across half the country with, according to Lott, major positive effects. Lott's critics aren't celebrating, but even they concede that the concealed-weapons movement has brought none of the negative effects that national gun-control advocates predicted and that I feared.

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Old books for today's kids

DIANA WEST

WHEN Christopher Columbus kissed the ground of the new world in 1492, he was on terra firma; five centuries later, of course, we find the great navigator on shaky ground. Under the weighty dictates of what is known as political correctness, the monumental nature of Columbus's epic achievement crumbles as the very meaning of discovery—or, in current parlance, "discovery"—is called into question. Accordingly, Columbus didn't discover America; the islands that became known as a part of the "New World" were already inhabited. In the shank of this century, to "celebrate" Columbus Day is to be mindful of his ominous significance in the conquest of the continent's earlier residents.

We have heard this tale of political correctness before, along with countless others, as the historical record is continually restated. But even as its novelty has worn off, political correctness continues to make headlines, from New Orleans, where George Washington was last year nixed as an acceptable eponym for a local elementary school, to San Francisco, where a racial-quota system was recently introduced to high-school reading lists. How is it, after these many years, that such revisionism remains provocative? Perhaps the answer lies partly in the fact that the impact of political correctness is borne chiefly by the very young and tender. Indeed, in perusing the children's section of a bookstore in Washington, D.C., it becomes clear that the battleground of the so-called culture wars—which we typically associate with secondary or higher education—is actually staked out, or worse, *sounded* out, just as soon as children are able to read.

Consider *My First Book of Biographies* by Jean Marzollo, a recent compendium of 45 brief profiles (for ages 6 to 10) from Scholastic Inc. Touting the likes of Rachel Carson, Caesar Chavez, Walt Disney, Katsushika Hokusai, and Gabriela Mistral as some of the subtitle's *Great Men and Women Every*

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Child Should Know, the book even makes room for Columbus. His entry is divided into two equal parts. The first is informational, strictly meat-and-potatoes:

> He headed across the Atlantic with three ships: the Nina, the Pinta, and the Santa Maria. The ships had Spanish names because they were paid for by the king and queen of Spain.
>
> After two months, Columbus reached land.

The second column is devoted to interpreting the first, providing an analytical breakdown of the sailor's significance according to the prismatic bands of identity politics:

> Some people think that Christopher Columbus discovered America, but he didn't. The Arawak people had been living on San Salvador for a long time, and other native people lived in other places Columbus "found."
>
> Many people take pride in Christopher Columbus. The Italians are proud of him because he was born in Italy. The Spanish are proud of him because their country gave him the ships for his historic voyage.
>
> Native Americans, or "Indians" as Columbus called them, feel differently. For them, Columbus is no hero because he began the European conquest of their homelands and their peoples.

Reduced to the primer's basic diction, the new orthodoxy is readily apparent; regarding the past through the detached irony of quotation marks, however, is not an easy exercise. While the above gloss attempts to dispense with Spanish, Italian, and "Indian" readers with pride (guilt), pride (guilt), and grievance, it leaves everyone else stranded, uncertain, if not uneasy, about the whole endeavor. In the contemporary idiom, it would seem that only blood ties (five centuries old) reliably dictate the reader's sympathies, or even interest. Where does this version leave youngsters of the non-Spanish, non-Italian, non-"Indian" persuasion? Such a narrowly racial interpretation of events would seem to foster a sense of ambivalence within the little chicks, who then become sitting ducks for subsequent instruction in the fourth "R"—cultural relativism. Having eliminated the universal significance of Columbus's extraordinary voyage, the text draws the reader into a peculiar state of limbo, which is no place for a child to see the world.

GEORGE O'Neill, Jr., the 47-year-old founder of Lost Classics Book Company, would agree. O'Neill, as publisher of the fledgling, Florida-based operation, has a mighty goal: to bring out children's books, in his words, "certain to rekindle,

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in children and parents alike, a fuller appreciation of the virtues that shaped the lives of our forefathers and made America great."

Virtues? America great? Without quotation marks? This is a tall, not to mention subversive, order, directly at odds with the current teaching. To tackle such a task, O'Neill, himself a father of four young children, is looking to the past, reviving long out-of-print titles—histories, historical novels, and grammars written for juveniles as the nineteenth century ended and the twentieth century began.

This was, of course, the era in which the melting pot was a-boil, when education for native-born and immigrant alike was designed to inculcate a collective sense of identification with America's settlers and founders. No purpose, certainly, could be farther from our own era of the insoluble mosaic, in which educators labor over the cultivation of distinctly separate identities rooted in grievance—at the hands, not incidentally, of the very fellas with whom we were once taught to identify.

Among its initial eight volumes, Lost Classics offers four novels, two grammars, and two histories of America, the charmingly titled *Stories of Great Americans for Little Americans* (for ages 6 to 8),† and *A First Book in American History* (for ages 9 to 12),‡ both by Edward Eggleston. Born in 1837 in Indiana, Eggleston was a sickly boy whose opposition to slavery led him to turn down the opportunity to study at the University of Virginia. While the abolitionist convictions of Eggleston, a Methodist minister-turned-author, may lend his work a more modern moral sensibility, his style of historical instruction is decidedly, if refreshingly, antiquated—although perhaps not for the reasons one might expect.

Once again, the depiction of Columbus and his voyages of discovery offer an instructive point of departure. Here is how Eggleston, in *A First Book in American History* (1889), brings Columbus to landfall:

> The morning light of Friday, October 22, 1492, showed the Spaniards a beautiful little island. Columbus dressed himself in scarlet, and planted the Spanish standard on the shore, throwing himself on the earth and kissing it. The naked Indians wondered whether these men in bright armor had flown from the skies in their winged boats or had sailed down upon the clouds. The sailors, lately so ready to cast Columbus into the sea, now crowded

† Lost Classics Book Company. 163 pp. $14.95.
‡ Lost Classics Book Company. 240 pp. $19.95.

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about him, embracing him and kissing his hands.

Eggleston follows the trajectory of Columbus's fortunes, from his first triumphal return to Spain—"He who had been thought insane was now the most honored man in Spain"—to his subsequent hardships and disgrace:

> The rest of the story is mostly one of misfortunes. The people in his first colony on the island of Hispaniola quarreled among themselves and maltreated the Indians, until the latter fell on them and killed them all. The second colony was also unfortunate. Columbus was not a wise governor, and he had many troubles in trying to settle a new country with unruly and avaricious people.
>
> An officer sent out to inquire into the disorders in the colony sent Columbus home in chains.... When Columbus appeared before Isabella and saw tears in her eyes, he threw himself on his knees, while his utterance was choked by sobs.

After describing Columbus's near-disastrous last voyage, Eggleston concludes with the explorer's death in 1506:

> He believed to the last that he had discovered the eastern parts of Asia. He never knew that he had found a new continent.

WHAT a difference a century makes. Eggleston, relying upon the notion that "a beginner's book ought before all things else to be interesting," told an appealing story, more bitter than sweet, and certainly richer than its meagre modern update. What is most striking, however, about this version of events is its freedom from interpretive cant. This is not necessarily what one would expect. After all, one of the crucial victories won by the revisionists is the notion that there exists in all texts of earlier eras egregious examples of racial denigration in drastic need of balance—even "correction." One may, therefore, open Eggleston's century-old text and expect to find a hagiographic celebration of the good, a whitewash of the bad, and plenty of ugly regarding the description of native peoples encountered in the settlement of this country. But one does not find this. It is not there.

Rather, Eggleston's focus is the eventful and humanly varied experiences of settlers and Indians alike: the exploits of John Smith and Daniel Boone; the heroics of Myles Standish and the benificent rule of William Penn. Some Indians were extremely helpful to the settlers, such as the fabled Squanto; some were allies, such as Massasoit; some were foes, such as Massasoit's son King Phillip and the Narragansett tribe. In spite of Eggleston's respectful depiction of the Indians' literal

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diversity, however, contemporary revisionists would likely ban such accounts for the unregenerate nature of their terminology—namely the use of such words as "savage" and "civilized."

Today, of course, European and Indian cultures are evaluated strictly in terms of having been "different." "Because they were different, the Europeans thought them inferior," writes Joy Hakim in Oxford University Press's *Making Thirteen Colonies*, a recent title from a 10-volume American history series "for young people ages 9-99." Hakim subsequently holds forth on the settlers' failure to understand "Native American" culture, their resulting intolerance, their "problem of arrogance ... [which] was often tied to religion," and, of course, their "racism."

Again, looking to Eggleston, we find no such sermonizing, and no such invective, encountering instead a lively narrative of vigorous men (with the exception of Pocahontas)—mostly white and sometimes, as they used to say, red—who lived, fought, and died on this continent in its arduous first centuries of recorded history. (Emphasizing colonial times in *A First Book in American History*, Eggleston makes little mention of black people.)

When Eggleston does relate instances of Indian simplicity and superstition—Powhatan believing blue beads to be made of a sky-like substance; Indians holding solemn meetings out of doors because "the earth is the Indian's mother"—the man is downright sensitive. ("The Indians believed that if they treated this buffalo head politely, the live buffaloes would come to their hunting ground.") And when "civilized" and "savage" people fail to live up to convention, Eggleston makes the call, as in the following anecdote about British General Proctor and Indian Chief Tecumseh (the scene is the British and Indian siege of Fort Meigs in 1813):

> Proctor, through belonging to a civilized nation, was a heartless brute. Tecumseh was born a savage, but he was always opposed to cruelty. Some of [William Henry] Harrison's men had been captured, and Proctor allowed the Indians to put them to death. When Tecumseh saw what was going on, he rushed in between the Indians and their prisoners with his tomahawk in hand, and stopped the slaughter. "Why did you allow this?" he demanded of General Proctor. "I could not control the Indians," said Proctor. "Go home and put on petticoats," said Tecumseh.

(There will be, of course, no pleasing feminists.)

Eggelston, to be sure, has a deeper purpose than simply imparting to children an elemental grasp of historical events.

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"It has often been lamented that no adequate provision is made in a school course for teaching the principles of morality," he writes in his preface to *A First Book in American History*. "But the teaching of abstract principles is generally unavailing to produce good conduct. In preparation of the present work, I have been surprised to find how abundant are materials for moral instruction by example in the lives of our great men." Thus we read of the perseverance of Columbus, Henry Hudson, and Samuel Morse; the industriousness and intellectual mettle of Benjamin Franklin; the patience, honesty, and honor of George Washington and Abraham Lincoln.

"It would be a pity," Eggleston declares, "for a country with such examples in her history not to use them for the moral training of the young." A pity, indeed. One wonders what Eggleston would make of a political orthodoxy under which such men of moral strength and action have come under relentless attack for both their morality and their actions.

TWO of the first four Lost Classics novels, *The Minute Boys of Lexington* (1898)† and *The Minute Boys of Bunker Hill* (1899),‡ are by the hugely prolific adventure-writer Edward Stratemeyer. A New Jersey-born son of German immigrants, Stratemeyer penned some 160 novels and 800 story outlines, along the way founding the Stratemeyer Literary Syndicate, whose enduring creations include Nancy Drew and the Hardy Boys. In his Minute Boy books, Stratemeyer introduces young readers (ages 8 to 12) to 16-year-old Roger Morse and his friends, all doing their bit to fight the American Revolution in a series of exploits that closely track and encompass actual events.

While any number of historical adventures have appeared in the years since Stratemeyer's turn-of-the-century efforts, what is notable about his books is the unabashedly heroic sensibility his protagonists' project. Acting on such unambiguous virtues as loyalty and duty, fairness and courage, as well as an absolute belief in country, family, and friends, these characters display a strikingly firm nature that marks them as actors of another era just as much as their tankards of ale, flintlocks, and tallow candles.

It is not simply that "Roger's manly face showed that he meant what he said" (masculine resolve being currently *verboten*). Or that Roger's reaction to being captured rings out in the stock, if stirring, language of the penny dreadful: "You can

† Lost Classics Book Company. 304 pp. $14.95.
‡ Lost Classics Book Company. 300 pp. $19.95.

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do your worst; I'll not open my lips." By the time "Roger and his chums ... fought as only those can fight whose soul is in their efforts," a reader has become aware of a fortitude in these characters that may perplex young readers more familiar with sensitivity training and codes of correctness. One may well wonder how such lessons of guilt and ambivalence will prepare a child for the following scene in which Roger, the only son of a sickly widow whose husband was killed in the French and Indian War, announces his intention to march to the front.

> "Oh, Roger, they may shoot you! Stay at home here, with me and Dorothy, and perhaps—" "Oh, Mother, you don't really mean that!" cried the boy, his eyes wide open in astonishment. "You wouldn't have me play the coward, would you?"
> "No, no, but—" Mrs. Morse grew very pale.

After Roger argues forcefully for his right to fight—with his sister Dorothy chiming in, the minute boys banging on the door, and American troops marching by in song—his mother relents:

> "Your father was a soldier, and he died from a bullet wound," she said, in a strangely unnatural voice. "Were he here, I know he would go, and you—you must take his place, I suppose. Go, if you will, and my prayers and blessings go with you."

COMPARE such heroic storytelling to recent works of historical fiction. *Across the Lines*, for example, like the Minute Boys books, concerns boys too young to be full-fledged soldiers. But unlike Stratemeyer's books, this 1997 book (for ages 8 to 12), written by award-winning children's writer Carolyn Reeder, projects a distinctly postmodern frame of mind. Set during the Civil War at the siege of Petersburg, the novel follows two boys, former master and former slave, who have been separated by the battle lines of Grey and Blue. Consider how Edward, the 12-year-old white boy (who has been disconsolate since the black slave's flight), reacts to a newspaper account of a speech by Jefferson Davis, read aloud by Edward's big brother (who is, not incidentally, a Strangelovian caricature of a young war-lover).

War must continue, Davis has declared,

> "till the last man of this generation falls in his tracks, and his children seize his musket and fight his battle, unless you acknowlege our right to self government.... We are fighting for Independence, and that, or extermination, we will have."
> Edward stared at the words. The Confederate president had

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> really said that.... Would the Confederate president feel the same way if the Yankees were shelling *Richmond*? If it were *his* father who went out on cavalry raids? If *he* were the child who would have to seize his dead father's musket?

Here we see the 1860s as refracted through the 1960s; in fact, if only Edward could burn his draft card, the scene would be complete. While Edward, as a character, fails to tell us much about the average nineteenth-century boy for whom the words, "Don't Give Up the Ship," would still resonate, he does express a contemporary, "Give-Peace-a-Chance" take on national causes and greater goods. By contrast, the Lost Classics books seem to concern another sort of American altogether.

In his *Stories of Great Americans for Little Americans*, Eggleston compiled a winning array of biographical tales for new readers (ages 6 to 8) in the hope, he wrote, of adding America's great men (and women such as Dorothy Dix and Louisa May Alcott) to the pantheon of heroes "that impress the susceptible imagination of a child." Among his 52 entries are such tales of derring-do as "Putnam and the Wolf," "Daniel Boone and his Grapevine Swing," and "Doctor Kane Gets out of the Frozen Sea," as well as stories of artists and thinkers, including "How Benny West Learned to Paint," "How Franklin Found out Things," and "Webster and the Poor Woman." As Eggleston writes, these are "some of the stories that every American child ought to know, because they have become a kind of national folklore."

CERTAINLY that was true in 1895. A century later, of course, such a trove of national lore does not exist. Indeed, the current fashion in publishing, as manifested in the global content of history books and fictional anthologies, has effectively eliminated such a genre altogether. (If there is any strictly American folklore to be gleaned from the current titles on the shelf, it is one derived from the history of slavery and civil rights.)

Such a disavowal of our nation builders is not promising for our future. While O'Neill is to be applauded for his efforts to bring our "lost" lore to light, Lost Classics is, after all, an operation on the smallest scale. Selling his line book by book, via classified advertisements and the Internet, O'Neill reports steady if modest sales, adding up to roughly 2,000 copies per title. It is worth noting, however, that the bestseller of the lot is *Stories of Great Americans for Little Americans*. And that, in a little way, perhaps, is great news.

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Political robber barons

ROBERT L. FORMAINI

ECONOMISTS have never agreed about how to deal, theoretically, with government regulation of the marketplace. They have attempted to account for, or to dispute, the need for such regulation and to examine the motivations and incentives of those who seek to regulate. For a long time, many economists assumed that government was comprised of public-spirited individuals who spent most of their time providing public goods and correcting the "spillover" effects generated by trades in private markets. These unpleasant side effects (although there are beneficial spillover effects too) are now called "market failure." The more economists looked, the more such failures they discovered, with each new discovery creating, under the standard view of regulation then widely accepted, further justification for corrective government regulatory interventions.

This early view of regulation was an extension of work done at Cambridge in the late nineteenth century by Alfred Marshall. A. C. Pigou, a colleague of Marshall's, provided the intellectual justification for public action to help mitigate the sometimes quite costly effects of market failure, such as pollution spillovers. This view prevailed until it was challenged by George Stigler, as well as by social scientists associated with the school of Public Choice, including Mancur Olson, Gordon Tullock and James Buchanan, Anthony Downs, and Duncan Black.

Against the idea that public-spirited regulators corrected for market failure, these theorists put forth the claim that such persons were not public spirited at all but were motivated, as all people are, by simple self-interest. Stigler argued that those who are regulated "capture" the regulators, often writing their

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own regulations. The "Public Choicers" suggested the same, but with public bribery added. Suddenly, economists were talking about not market failure but "government failure." According to this new school of thought, "rent-seeking special interests" purchase their ill-gotten gains from politicians and regulators entrusted to protect the public from the very things that were now being routinely done in the public's name.

FRED McChesney extends this argument in his *Money For Nothing: Politicians, Rent Extraction, and Political Extortion*.† In McChesney's view, the mere threat of action by politicians is sufficient to call forth monetary-protection payments from potentially affected interests. This view seems to explain a good deal of recent political activity in a way that the older theories do not, making comprehensible policies that might otherwise seem irrational.

For example, how are we to understand the payments that firms and industries make to politicians who threaten them with various legal threats? Certainly, from the donors' standpoint, these actions are unacceptable, and McChesney calls these payments by their rightful name: extortion. He then analyzes why, despite their rhetoric, politicians prefer to deal with "special interests." It's a simple case of minimizing the politician's overall transaction costs of being a politician while, at the same time, extracting as much lucre from the job as is legally possible. And how much is that?

To quote the author, it includes such things as prodigious monetary allowances for food, travel, lodging, transportation, country-club dues, Kentucky Derby tickets, the buying and leasing of cars, football tickets, liquor, the insuring of art works, bronzed investment figurines, golf clubs and golf-related expenses, trips abroad, and even tax sheltered investments. Although PAC contributions are supposed to go toward legitimate campaign expenses, the legal line between those and personal consumption is, even at best, extremely hazy, and violations are seldom even reported, much less prosecuted. In such an environment, the fruits of rent extraction are both quite desirable and easily obtainable for all political incumbents.

The gains from trade that apply to free-market exchanges are transformed, in these public-private interactions, into monetary gains for politicians at the expense of private interests. The private interests "gain" only to the extent that political

† Harvard University Press. 224 pp. $35.00.

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payments are, in the long run, cheaper than the threatened alternative: the actual enactment of the proposed regulatory changes. In McChesney's view, the balance of power has shifted from interest groups to politicians; and rent seeking by the former has, over time, given way to rent extraction by the latter.

Consider the case of Microsoft, which until recently, didn't even have an office in Washington. It is safe to assert that those innocent days are now gone: Microsoft has been successfully brought into the political payoff-lobby game. This is a coup for the politicians, especially since the stakes are so large in this case. No corporation, no matter how large, can withstand an assault launched simultaneously by the federal government and dozens of state governments. As the "Big Tobacco" and Microsoft cases suggest, this is fast becoming the strategy of choice for the federal government, the states, and one of their most powerful, sympathetic, rent-seeking special interests—plaintiff's attorneys.

As regulation becomes more pervasive, opportunities for such extortion multiply. The simple act of granting a license, or easement, or building permit can be parlayed by rent-extracting politicians and regulators into lucrative deals for themselves at the expense of their fellow citizens. Indeed, the strategy is so lucrative that private, so-called nonprofit groups mimic politicians and extort wealth for themselves as well. Such efforts, undertaken under legal umbrellas like the Community Reinvestment Act make a mockery both of the term nonprofit and the rule of law.

MCCHESNEY is generous in giving credit to other thinkers who blazed the trail in the theory of regulation and who anticipated some parts of rent-extraction theory. His book is a wide-ranging overview of his own (and other) theories and contains many insights into why we wound up where we now find ourselves. He offers no solutions for the excesses of the regulatory process. But he does offer an interesting diagnosis—one that might just help point toward an eventual improvement in the way future regulations are imposed and enforced.

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